

SEPTEMBER 26, 2022 WHEATLAND TOWN BOARD MEETING

Meeting was called to order by Chairman William Glembocki at 6:00 p.m. Monday, September 26, 2022, at the Town Hall, and opened with the Pledge of Allegiance. Town Board members present: Supervisors Andrew Lois and Kelly Wilson. Others present: Clerk Sheila Siegler, Treasurer Deborah Vos, Constable Robert Santelli, Town Attorney Jeff Davison, Fire Chief Lou Denko, Thomas Camilli, Jr., Randi Wille, Wayne Kaddatz, Paul Schneider, Bonnie Whitworth, James Hehn, James Gillespie, Jacki Braatz, Rick Braatz, Bob Koenecke, Marge Koenecke, Carolyn Larson, Julie Robers, Daniel Robers, Devon Robers, Brett Singleton, Traci Denko, Kim Murphy, Anna Wiersum, Rick Wiersum, John Valek, Joe LaScola, Kyle Madsen, and Alan Kaddatz.

Notices were posted in three public areas (Town Hall, Transfer Station and Wheatland Center School) and the town's website. The *Kenosha News and Westosha Report* were notified. Individuals who have requested meeting notices by e-mail were sent agendas as required by state law. Clerk noted that some of the email addresses are being rejected when sent out in a group. Tech support is researching but no answer at this point. As a result, a small group is not receiving this email notification.

Andrew Lois moved a motion to approve Minutes of the September 12, 2022 town board meeting. Kelly Wilson seconded. Motion carried.

Report –

Fire Dept. – Fire Chief Lou Denko reported MABAS cards were updated and in place and response has been strong. October 9, 7 – 11 a.m., Pancake Breakfast at the firehouse. They have 262 Wheatland Center students, K-2 in the annual school fire prevention program. The fire department wrote a grant thru the state EMS for supplies for major disasters. \$11,000 was requested. He received notice they were awarded \$304,000 but then was told when he called, that it was \$9,100. It is unresolved and so far, there is no money in the bank. They continue to train for major disaster events and hope they never need to use the training. The grant award has to be used for that type of supplies. If in fact, they received the \$304,000 they would use part of it for a county-wide trailer which all of the departments are working toward.

Chief Denko again stated the air paks can no longer be serviced and need to be replaced next year. He asked again about using the ARPA money. Clerk is still checking those requirements.

Public safety – Constable Santelli said he needs a new radio for his squad. His is 10 years old and no longer works with all the channels and can't be upgraded. At the same time, the fire department would also purchase a replacement for the radio that was damaged by lightning. Insurance money was received for replacement. Chief Denko will request a proposal for replacement radios.

Constable Santelli reminded everyone of the 25-mph speed zone on Geneva Rd. from 341st Ave. to 347th Ave. and said he will be issuing citations.

Public comment – Jim Gillespie, 7816 328th Ave. complained that traffic is out of control on CTH JI. He is in fear of being killed when walking on "JI."

Robert Koenecke, 3312 368th Ave. has talked to neighbors and no one in favor of Lafarge expansion plans. 2-year extension of existing operation is ok but looked at bond for restoration and needs to be increased. He is concerned about hole in the ground and property not restored. Need end date.

John Valek, 38111 31st St. said properties are R-1 & A-1 and around the whole vicinity of the gravel pit is residential. Objected to noise and view that will be seen at highest point, the 376th Ave./31st St intersection. Bought his house 6-7 years ago and not to have a gravel pit at his back door.

Thomas Camilli, attorney representing Bonnie Whitworth, 38009 31st St., spoke in opposition to the Lafarge proposed gravel mining expansion of the Robers farm and said they were not opposed to the extension of the existing operation.

Paul Schneider, 3585 376th Ave. said he built 5-6 years ago. He would be within 100's of feet versus 1000 feet before. He questioned groundwater conditions.

Richard Wiersum, 38301 31st St. concerned about degradation of appearance of the area. Now, most of the plant will be close to the road. Value of property will be affected living with it immediately adjacent to his property.

Andrew Lois said his visited with three of the families and it looks different when you walk the property. He lives 1.5 mile from the KD Pit and had well issues and no water when that was operating and had to add pipe to get water. He works the Tenhagen farm and sees equipment junk from mining and trees that is currently stored on property and need to be removed.

Richard Braatz, 32900 Karcher Rd, said he knew the pit was there when he purchased his property

but he knew there was an end date. He had no problem with that.

Chairman Glembocki closed public comments.

Daniel H. & Julie P. Robers, 333 Dardis Dr., Burlington, WI 53105 (Owner), Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Agent), requests an **amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan)** from "Farmland Protection" and "Isolated Natural Resource Area" to "Extractive", "Farmland Protection" and "Isolated Natural Resource Area" on Tax Parcel #95-4-219-291-0100, located in the NE ¼ of Section 29, T2N, R19E, Town of **Wheatland**.

Chairman Glembocki said Lafarge/Meyer Material has been a good company over the years and responded to any issues that were brought up. A firm end date is nice but it does come down to the economy. Meyer has kept up with water inspections which have been done periodically over the years. Reports show there was not a problem. Dust is not a problem. Farm equipment causes a lot of dust also.

Responding to Chairman Glembocki, Randi Wille, Lafarge/Meyer Material, said the proposed expansion is for a 40 A. parcel, 38 A. would be rezoned to mining with the buffer area staying agriculture. 24 A. would actually be mined with the rest buffer and slope area. They would be mining only above the water table. They are putting back to farmland at the family's request.

He said in 2008 there was a 50% drop-off in aggregate sales because of the economic conditions. Activity picked up when the government put money in the economy for road improvements. This expansion could be mined out in 2 or 3 busy seasons. He estimated 2-4 years even in a 50% economy.

He said they were first permitted in 1996 but did not begin moving material until 1997. There is likely two A. left to strip in the current mining area but they have run into sand and need the coarse material they are anticipating being able to mine in the expansion area.

In a recession they start later in the season and close earlier. Busy times, it is longer hours.

Town Attorney Jeff Davison advised the board that items 8 thru 12 on the agenda are advisory recommendations to the county. The county has the ultimate power to approve the requests. He said the conditional use permit is for a two-year period; so, keep in mind it would be revisited in two years.

Responding to a question on the restoration, Randi Wille said there is bond with the county and they have material stockpiled to use in the restoration. They would not be walking away from the project. KD Pit was restored satisfactorily. They have restored greater than 1/3 of the mined area and that has been farmed for many years.

He said there will be conservancy around the perimeter that will not be disturbed and to keep in mind the conveyor will be at a much lower level when running by the properties and less noise. He said 90% of the Robers property drains internally; so, taking some of this higher wooded area next to Whitworth should help drainage on the Whitworth property.

Kelly Wilson stated her objections and concerns:

1. Length of the initial permit did not suggest they would apply for expansion and didn't the company plan for expansion? Wille said that was before his time but not unusual for mining to expand. Finding material is hit and miss even in the best cases. Gravel may appear to be there when you drill test holes but then pans out.

2. 2020 you requested a variance for hours. So, now I have noise, air pollution, possible depreciation of the property. She suggested tabling for a property valuation study. Attorney Camilli said it would take time but they would be willing to have a study done.

3. What if she wants to sell her house and wants to do so before the pit has been restored. Her value would be depreciated.

4. Original permit says the Racine County residents could have their wells monitored. How many Racine County residents were notified. Randi Wille said he invited Racine County residents when he was talking to the residents. Clerk said Racine County residents were here for the concept meeting last year and anyone who asked to be notified of future meetings was notified by the town.

5. Health concerns, dust, etc.

Randi Wille said they do control dust at the plant. Their employees are valuable and are monitored and they would be the first to experience any silica dust issues as they are in the pit area. The infield equipment operator spreads water as needed.

6. Has town engineer Len Roecker reviewed the past, present and future permits for this meeting? Chairman said he has reviewed the drainage plan requested by the plan commission.

Clerk said the county has an engineering firm that regularly reviews the permits and has done so

from the beginning. Sigma is the current engineering firm. HNTB was the original engineering firm. All reports are available for anyone interested. If we required the town engineer to do so, it would just be a duplication of services.

Town Attorney Davison said we appreciate Attorney Camilli's offer but it does not affect the big picture. He also cautioned the board about meeting with any party interested in the outcome of this application. This is a quasi-judicial proceeding and you should abstain if you have discussed.

He read the Town Planner recommendation of approval of the amendment. Chairman Glembocki moved to approve a favorable recommendation subject to the conditions listed. There was no second to the motion. Chairman said motion dies for lack of a second.

Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Lessee), Herbert J. & Lillian A. Robers Revocable Trust, 233 Origen Street, Burlington, WI 53105 (Lessor), Roland and Bonnie Lou Denko, 3710 392nd Avenue, Burlington, WI 53105 (Lessor) & Raymond J. & Gloria M. Tenhagen, 3910 376th Avenue, Burlington, WI 53105 (Lessor), requesting a 2-year renewal of a **Conditional Use Permit** (originally approved on March 13, 1996) for a gravel pit in the M-3 Mineral Extraction Dist. on the following Tax Parcels: #95-4-219-291-0100 (Robers), #95-4-219-291-0300 (Robers), #95-4-219-291-0400 (Robers), #95-4-219-292-0300 (Robers), #95-4-219-292-0200 (Denko), #95-4-219-293-0100 (Denko), #95-4-219-293-0200 (Denko), #95-4-219-293-0300 (Denko), #95-4-219-293-0400 (Denko) & #95-4-219-294-0100 (Tenhagen). Said parcels are located in the NE, NW, SE, and SW quarters of Section 29, T2N, R19E, Town of **Wheatland**.

Request was introduced by Town Attorney Jeff Davison using the town planner's memo. He said this is a two-year renewal of the Conditional Use Permit for the existing operation. William Glembocki moved to approve a favorable recommendation to the Kenosha County Planning Development and Education Extension Committee for the application as submitted. Andrew Lois seconded. Motion carried.

Daniel H. & Julie P. Robers, 333 Dardis Dr., Burlington, WI 53105 (Owner), Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Agent), requesting a **rezoning** from A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. to M-3 Mineral Extraction Dist., A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. on Tax Parcel #95-4-219-291-0100, located in the NE ¼ of Section 29, T2N, R19E, Town of **Wheatland**.

William Glembocki moved to table this rezoning application for Tax Parcel #95-4-219-291-0100. The rezoning is subject to the comprehensive plan amendment and that action would need to come before the rezoning. Andrew Lois seconded. Motion carried.

Meyer Material Co. dba Lafarge Aggregates Illinois, Inc., 1300 S. Illinois Route 31, South Elgin, IL 60177 (Lessee), Daniel H. & Julie P. Robers, 333 Dardis Dr., Burlington, WI 53105 (Lessor), requesting an amendment of a **Conditional Use Permit** (originally approved on March 13, 1996) to allow an expansion of a gravel pit in the M-3 Mineral Extraction Dist. on Tax Parcel #95-4-219-291-0100, located in the NE ¼ of Section 29, T2N, R19E, Town of **Wheatland**.

William Glembocki moved to table this Conditional Use Permit application for Tax Parcel #95-4-219-291-0100. The conditional use permit is subject to the comprehensive plan amendment and rezoning which would need to be approved before the conditional use permit approval. Andrew Lois seconded. Motion carried.

Owner and Operator Permits for above listed mining operation – Town of Wheatland issued Owner(s): Roland & Bonnie Lou Denko, Dan Robers and Julie Robers, Ray & Gloria Tenhagen Operator: Meyer Material Company LLC dba Lafarge Aggregates Illinois, Inc.

William Glembocki moved to table the owner and operator permits until Kenosha County has acted on the above Lafarge/Meyer Material applications. Kelly Wilson seconded. Motion carried.

Temporary Class B Retailer Fermented Malt Beverage (Picnic) License:

A. Seno KRLT Conservancy, 3606 Dyer Lake Rd (Kelly Wilson – person in charge) for October 8, 2022 for the *Autumn Open House*, 2 p.m. to 6 p.m.

William Glembocki moved approval of a Temporary Class B Retailer Fermented Malt Beverage (Picnic) License for Seno KRLT for October 8, 2022 at 3606 Dyer Lake Rd. Andrew Lois seconded. Voting in favor Glembocki and Lois. Kelly Wilson abstained.

B. St. Alphonsus Church, 6301 344th Ave. for the annual *Turkey Dinner & Fall Festival* on October 16, 2022 (Debra Lois, person in charge)

William Glembocki moved approval of a Temporary Class B Retailer Fermented Malt Beverage (Picnic) License for St. Alphonsus Church for October 16, 2022 at 6301 344th Ave. Kelly Wilson

seconded. Motion carried.

C. Temporary operator licenses for the above – Mark Weis, Mark Willkomm, Debra Lois, and Carol Lois

William Glembocki moved approval of temporary operator licenses for the October 16 St. Alphonsus Turkey Dinner & Fall Festival for Mark Weis, Mark Willkomm, Carol Lois, and Debra Lois. Kelly Wilson seconded. Motion carried.

Continuing discussion on the merits of appointed clerk and treasurer positions versus elected. Question is on the ballot as a binding referendum on November 8, 2022 General Election.

Clerk provided copies of a handout explaining the differences in the positions between elected and appointed. The handout was prepared for voter information and would be handed out at the town transfer station this week and again the week before the election. William Glembocki moved approval of the handout. Andrew Lois seconded. Motion carried.

Announcements - Reports - Correspondence –

A. Reports

1. Road – a sign is laying in the ditch on the north side of Geneva Rd, west of Bella Vita entrance. Clerk will check and send in a work order.
2. Chairman
3. Supervisor Lois – reported a limb is hanging down and into the right-of-way on the north side of 368th Ave. south of the Koldeway farm.
4. Supervisor Wilson
5. Treasurer – Deborah Vos reported August 31 net worth of \$1,336,007.83. Report was moved for approval by William Glembocki and second by Kelly Wilson. Motion carried.
5. Clerk – complaint from owner of 7573 335th Ave. that tree in r.o.w. on the corner is dropping limbs, rotten, and needs to be removed before it falls on his house. Clerk had looked at it has full set of green leaves but has lost some limbs. Board directed clerk to get an evaluation from a tree service. Clerk also said tree on opposite corner is dead at the top and also needs to be removed.

B. Correspondence - none

C. Announcements – **November 8, 2022 General Election**, polls open 7 am – 8 pm at the town hall

- **Online - Register to vote** at www.myvote.wi.gov ends **October 19**
- **In-person register to vote** – anytime at the town office
- **Online – Request a mailed absentee ballot** at www.myvote.wi.gov – ends **November 4**
- **In-person absentee voting** – begins October 25, 8 a.m. – 5 p.m. - Monday thru Friday at the town office – ends Friday, November 4, 5 pm. – **Photo I.D. required.**
- **October 9 - FIRE DEPARTMENT PANCAKE BREAKFAST** - Firehouse, 34011 Geneva Rd 7 a.m.–11 a.m.

Financial matters:

- A. Purchase approval – none
- B. Other financial matters – none
- C. Budget review to date – board has copies

Adjournment – William Glembocki moved to adjourn at 7:30. Kelly Wilson seconded. Meeting is adjourned.

Respectfully submitted,

Sheila M. Siegler, Town Clerk