

December 16, 2014

Chairman Bryce Black called the regular Town Board meeting to order at 7:02 p.m. at the Frankfort Town Hall on Tuesday, December 16, 2014.

Board members present were Bryce Black, Denny Richardson, Curt Stine, and Kay Hamilton. Town official Maureen Manore was present. Donna Juleff arrived at 7:14 p.m.

Also present was Attorney Brian Nodolf.

Minutes

The draft minutes from the November 11th meeting were read. There were several changes to the draft. Kay Hamilton made a motion to accept the November 11th as corrected minutes and Denny Richardson seconded. The motion carried.

The draft minutes from the November 25th meeting were read. There was one change made. Curt Stine made a motion to accept the November 25th minutes as corrected and Kay Hamilton seconded. The motion carried.

Financial Report

Treasurer's report for November was read. The ending balance was \$12,848.89.

Citizen's Concerns

Denny Richardson reported that he talked to property owners on Bear Pen Road and obtained their permission for the snowmobile trail to run through their property instead of using Bear Pen Road for the trail.

Report on Other Meetings Attended

There were no reports.

Kay Hamilton made a motion to move agenda item 5. Request WTA to Oppose Diminishing Asset Rule to follow agenda item 7. Memorandum of Understanding for Bechel Mine Proposed Changes. Curt Stine seconded and the motion carried.

Mining Agreement Report

Kay Hamilton asked if the Town Clerk had received a Certificate of Insurance for comprehensive liability and workman's compensation from the Bechel mine, as required by the Non-metallic Mining Operating Agreement. The answer was no. Attorney Brian Nodolf said that he would look into it.

Memorandum of Understanding for Bechel Mine Proposed Changes

Attorney Brian Nodolf stated that the Bechel mine has retained an underground mining engineer and would like to see a start date in early February for their proposed underground mining test.

Bryce Black asked Attorney Brian Nodolf several questions concerning the proposed test, including:

-Is the proposed test to see if this mining process works, or if it's cost effective? Answer: to evaluate cost effectiveness. The process will require specialized equipment and leave a fair amount of sand behind in pillars to support the overburden.

-Why will it take a year to determine the test results? Answer- The depth of the tunnel determines the difficulty of the operation. We don't know that it will take a year, but would rather ask for more time than not have enough.

-On 11/25 the Town Board was told the test site would be 7 acres, but Chase Cummings, Pepin County Land Conservation Conservationist, told Black he had been told it was going to be for 3 acres. Answer- Cummings was not given an acreage, he was shown an area on the map. There have been discussions with Cummings and the DNR for about a year concerning reclamation.

-Shouldn't the mine have enough limestone stockpiled now to last for years? Answer- The limestone is being used for current reclamation.

The Board discussed the draft Memorandum of Understanding (MOU) prepared by Town Attorney Gwen Kuchevar. Some of the changes they suggested included:

- adding a specific end date for the underground mining pilot project
- changing the reclamation permitting authority from DNR to Pepin County

- adding language to the Fine Materials Handling Plan section that says no fine material will be returned to the Town as per the Mining Agreement and that the Town should be reimbursed all legal and consulting fees incurred to date for work on the Fine Materials Handling Plan
- having periodic certification of the underground operation's location provided by a third party
- add that the Bechel mine should provide evidence of all required permits and proof of insurance coverage for the changed operation.
- the present legal/consulting fee reimbursement cap in the Mining Agreement should not apply to Town professional work on the MOU/ underground testing; or if it does, the cap should be increased.
- the fencing work should have a start and finish date and the amount and method of financial security should be stated.

Donna Juleff asked for a better explanation of how the limestone cap and overburden will be collapsed and what to expect when that happens. Attorney Brian Nodolf stated that he will get a better explanation for her.

Bryce Black stated that he was not presently convinced that the proposed change (going underground) to the current operation could be advantageous to the Town but added that he was willing to continue to talk about it. He asked if Town Board members would like to tour an open pit operation (the Bechel mine) and an underground mine (the Fairmont Santrol Maiden Rock site) for operational knowledge and comparison. Black will contact both mines to ask about setting up a tour.

Request WTA to Oppose Extending Diminishing Asset Rule

The Board discussed the resolution and the Diminishing Asset Rule, a legal principal based on a court decision which, in certain cases, protects the right of quarry operations to extract material on adjoining property they own or lease. The Town is concerned about potential state legislation which could extend this rule beyond the Town's understanding of the scope of the original court decision which could result in loss of local control over non-metallic mining operations. Kay Hamilton made a motion to adopt Resolution No. 2014-5R titled "Resolution Requesting the Wisconsin Towns Association to Oppose Extension of the "Diminishing Asset Rule" in its 2015-2016 Legislative Agenda". Donna Juleff seconded and the motion carried.

Road Reports

Several Board members polled ten landowners to ask about placement of snow fence on their property, and whether they felt snow fences are effective. All but two landowners agreed to have snow fencing installed.

Vance Bartsch requested installation of a culvert to provide a more level access to his field on Ganoie Lane. Recent re-ditching has caused a steeper slope.

A culvert is needed for access on Bear Pen Road for the Ross Marcks property due to the recent road construction. The Town will look at installing these culverts next spring.

Bryce Black reported that the Pepin County Highway Department has received payment in full for the Bear Pen Construction Project. He has begun the paperwork to obtain the TRIP grant cost share money.

Set Caucus Date

The caucus was set for January 13, 2015, at 6:30 p.m.

Pay Bills

The Town bills were reviewed and paid.

The next board meeting was set for January 13, 2015 following the caucus at the Frankfort Town Hall. The Town Board meeting agenda will cover: Town Board Minutes, Financial Report, Citizen's Concerns, Report on Other Meetings Attended, Mining Agreement Report, Road Reports, Memorandum of Understanding for Bechel Mine Proposed Changes, Appoint Zoning Board of Adjustment Member and pay bills.

Donna Juleff made a motion to adjourn the meeting and Curt Stine seconded.

Time 9:11 p.m.

Maureen Manore, Clerk