

First Amendment to Nonmetallic Mining Operating Agreement

Whereas, the Town of Frankfort, Pepin County, Wisconsin (the "Town") and Greg Bechel Trucking and Excavating, LLC ("Bechel") entered into a Nonmetallic Mining Operating Agreement dated August 27, 2013 (the "Agreement"); and

Whereas, the Town and Bechel agree to amend a certain provision of the Agreement.

Therefore, the Town and Bechel agree to amend the following provision of the Agreement:

1. Provision III. G. 1. is hereby amended to read:
Hours for Hauling and Mine Operation.

G.

1. Trucks hauling Raw Material from the Mine Site and trucks returning to the Mine Site whether empty when previously hauling Raw Material or containing Nonmetallic Mining Fine Material, shall haul on public roads in the Town only between the hours of 7:00 a.m. and 5 p.m., Monday through Friday between 7:00 a.m. and 12 p.m. on Saturdays, and not on Sundays, New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. Additionally, Bechel owned and/or leased trucks going to the Mine Site for the first time in any day shall not enter the Town before 6:30 AM. These hauling hours limitations shall also apply to Bechel's pre-existing operation of hauling limestone and gravel from the Mine Site utilizing Bechel owned and/or leased trucks, except that Bechel may request and receive permission from the Town Chairman to temporarily haul limestone and gravel from the Mine Site outside of the agreed upon hours for emergency municipal road projects. Said permission shall be in the sole discretion of the Town Chairman.
2. Except as otherwise stated herein, the remainder of the Agreement remains unchanged and unaffected by this Amendment.

GREG BECHEL TRUCKING AND EXCAVATING, LLC,
A Wisconsin limited liability company
Dated: ~~June~~ July 31, 2013

By: Gregory S. Bechel
Name: Gregory S. Bechel
Title: President/CEO

TOWN OF FRANKFORT
Pepin County, Wisconsin
Dated: June 11, 2013
By: Bryce Black
Name: Bryce Black
Title: Town Chair, Town of Frankfort

Attest:
By: Maureen Manore
Name: Maureen Manore
Title: Town Clerk, Town of Frankfort