

July 27, 2023
9:00 a.m.

500 Forest St, Wausau WI

MINUTES MARATHON COUNTY BOARD OF ADJUSTMENT

Members present in person: Richard Lawson, Thomas Seubert, Mike Ritter, Carolyn Opitz, Kerry Brimmer

Members present via WebEx / phone: **None**

Members not present: Jim Servi, Pat Schreiner

Also present remotely via phone / WEBEX or in person: Shad Harvey, Teal Fyksen, Garrett Pagel, Mike Puerner, and Gordon Stieber

Called to order at 9:00 a.m., 500 Forest St, Wausau by Vice Chair Lawson, who explained the **rules of the hearing** and the reason for the establishment of the Board of Adjustment.

1. **Approve May 25, 2023, minutes** – **Motion** / second by Ritter/Seubert to approve the May 25, 2023, minutes as distributed. Motion **carried** by voice vote, no dissent.
2. **The application** of Morgan Sand and Gravel LLC. for a conditional use permit per 17.204.54 “Nonmetallic Mining” of the General Code of Ordinances for Marathon County Chapter 17 Zoning Code, for the purpose of mine boundary expansion and continued operation of an existing permitted nonmetallic mining operation (Reclamation Permit#: r06007) on properties currently owned by Rib River Land Co LLC. The properties are located in the G-A General Agricultural district, on parcels described as W ½, SE ¼ Section 27, T29N, 5E Town of Rib Falls, further described as PIN# 066.2905.274.0997, 006.2905.274.0998.

Harvey was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. Harvey reviewed the staff report and discussed Ordinance Section 17.204.54 for the purpose of mine boundary expansion and continued operation of an existing permitted nonmetallic mining operation (Reclamation Permit#: r06007) on properties currently owned by Rib River Land Co LLC. Harvey expressed that this hearing would also act as the reclamation hearing as required by Marathon County Chapter 21 Non-Metallic Reclamation code. Harvey reviewed the sections of Chapter 17 that apply to this request and the information shared by the applicant to address the questions that apply. Harvey stated the Town of Rib Falls gave their approval to the petition at their July 11th, 2023, meeting.

The board asked questions regarding enforcement, follow up inspections, neighbors notified of CUP, blasting, permit expiration, DNR involvement and reclamation. Staff provided answers/clarification to the Board.

Gordon Stieber with Morgan Sand and Gravel was sworn in. Stieber stated the reason for the expansion area is mainly to utilize the clay found in the expansion area to help slope the south end of the mine when it is reclaimed. Stieber stated they have a WDNR air permit, WDNR stormwater discharge permit (WPDES) which requires additional reporting and sampling. Stieber stated the east side will be reclaimed as a highwall, with safety bench, fencing, and berms in place for safety. Some reclamation has occurred on the property. Traffic will not change due to the expansion.

Additional testimony in favor/from applicant:

There was no additional testimony in favor, opposed, or as interest may appear via in person, or virtually. Testimony portion of the hearing closed at 9:37 a.m.

The board discussed possible conditions. **Motion/second** by Ritter/Seubert to **grant** the conditional use permit for the purpose of mine boundary expansion and continued operation of an existing permitted nonmetallic mining operation (Reclamation Permit#: r06007) on properties currently owned by Rib River Land Co LLC. The conditions are as follows:

-Conditional use permit shall run concurrent with the applicable reclamation plan.

The Board deliberated and completed the *Conclusion of Law in the Decision Sheet*.

Motion **carried** 5 yes, 0 no, roll call vote.

3. WDNR Shoreland Variance Participation-Action Required

Harvey explained to the Board according to Wis. Stat. 59.692(4)(b) the Wisconsin Department of Natural Resources needs permission from the Marathon County Board of Adjustments to issue an opinion on Shoreland Variance cases. Without permission they are unable to provide their professional opinion on if a Shoreland Variance should or should not be granted. The Board discussed and asked clarifying questions and staff provided clarifications.

Motion/Second by Bremmer/Opitz to accept the opportunity to request the DNR opinions on shoreland variances.

Motion **carried** roll call vote, 4 yes, 1 no.

4. Board Reappointments – None

5. Board education and training as needed - None

6. Announcements and Requests

Seubert requested an explanation on how long a CUP takes to make it through the process. Harvey explained process.

7. Next meeting date – September 28, 2023, at 9:00 a.m., 500 Forest Street

8. Meeting adjourned – **Motion/second** by Brimmer/Seubert to adjourn the meeting at 10:01 p.m.

Motion **carried.**

by voice vote, no dissent.

Respectfully submitted,
Carolyn Opitz, Secretary
Marathon County Board of Adjustment

cc: Board of Adjustment (6), County Clerk, Town Clerk

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