

**MINUTES
MARATHON COUNTY BOARD OF ADJUSTMENT**

Members present in person: Richard Lawson, Karen Piel and Kerry Brimmer

Members present remotely: Carolyn Opitz

Members not present: Arnold Schlei, Jim Servi and Roger Zimmerman

Also present remotely via phone / WEBEX or in person: Teal Fyksen, Diane Hanson, Dominique Swangstu, Lane Loveland, Cindy Kraeger, Jared Mader, Nicole Fehl, Jean Kopplin, Rita Kloehn, Bill Stuttgart, Keith Nemece, Terry Brost, Susann Bugar, Paul Bugar, Brian Camlek, and Nicole Hoesly.

Called to order at 9:00 a.m., 210 River Drive, Wausau by Chair Piel, who explained the **rules of the hearing** and the reason for the establishment of the Board of Adjustment.

1. Approve February 25, 2021 minutes – Motion / second by Lawson / Brimmer to approve the February 25, 2021 minutes as distributed. Motion **carried** by voice vote, no dissent.

2. The application of Paul Bugar Jr. on behalf of Bugar Land 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 operating a nonmetallic mining operation on property currently owned by Paul Bugar Jr. The property is located in the F-P Farmland Preservation district, on property described as part of the SE¼ NW ¼, and part of the NE ¼ NW FRL ¼ Section 2, T27N, 2E, Town of Brighton, further described as PIN# 010.2702.022.0994 and 010.2702.022.0999

Teal Fyksen was sworn in and asked the Board to use the determination worksheets in their decisions and cited the provisions of law which apply. This hearing served as the reclamation hearing as per the nonmetallic mining ordinance. Fyksen explained the staff report **Exhibit 1** which was included in the meeting packet. Fyksen discussed Ordinance Section 17.204.54 related to the requirements of nonmetallic mining within the Code. The parcel is not located within a mapped floodplain. The parcel is not located within DNR mapped wetlands. The parcel is located within the shoreland overlay district. There are no known violations on the parcel. Paul Bugar operates the nonmetallic mines to the east and west of the proposed nonmetallic mine which is owned by Rita Kloehn. The applicant is proposing to meet any and all other required regulations.

Lawson questioned the trucking travel for transporting the material. Fyksen stated there are two options heading out of the pit going east to Highway F or heading south to Highway P. Fyksen discuss the email that was received from James Greisbach, Marathon County Highway Commissioner who is in the favor of the nonmetallic mine and does not have a concern with the access out of the mine site. Additionally, one of the access points for this proposed mine as shown going to the east (to County Highway F) would connect with an existing NMM and access route currently under lease by Mr. Bugar.

Brimmer questioned the end land use of the mine being reclaimed aquaculture and following the proposed reclamation plan 30-50 years from now. Loveland was sworn in and explained reclamation plans do change over time and when the reclamation plan changes is the proposed change a major change; does it still follow the land use rules along with state and local regulations.

The following people sworn in and gave testimony in favor of Paul Bugar Jr. on behalf of Bugar Land LLC for a conditional use permit:

Brian Camlek was sworn in and is the agent for Paul Bugar Jr and put the plan together which includes safety measures for protecting the resources of the surrounding area. He stated there are two quarries in the adjacent parcels and encourages the Board to approve the plan as proposed.

Brimmer questioned how the aquaculture would be stock. Camlek stated no stock has been confirmed at this time and the reclamation plan may change in the future based on market trends. Yet if BOA approval is needed for a change in the reclamation plan in the future (if it is substantially different from the approved plan) the applicants/owners will need to get BOA and CPZ approval prior to the change and approval.

Paul Bugar Jr was sworn in and stated Marathon County Highway Department recommended the traffic flow pattern from the two existing mines; therefore he does not see a need to place a condition on the permit as recommended from the Town. Bugar discussed the Town of Brighton meeting was changed from April 19th to April 14th and was not made aware of this change nor were the property owners notified.

Terry Brost was sworn in and stated mining has been going on for the past 25-30 years and does not see the need for change in the traffic flow. He expressed disappointment of the change of meeting date with the Town of Brighton not notifying landowners.

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Susan Bugar was sworn in and is owner of the parcel. She stated it was her father's dream and the next generation dream to have this nonmetallic mine. Material from the mine is used for highway projects.

Nicole Hoesly was sworn in and is a third generation of the Bugar land and it is a goal of the family to make materials and have a working nonmetallic mine.

The following people sworn in and gave testimony in opposition of Paul Bugar Jr. on behalf of Bugar Land LLC for a conditional use permit.

Rita Kloehn was sworn in and is the owner of the two adjacent parcels. A contract was signed with Paul Bugar for a 10 year lease this year with no intentions to open another pit. Strongly opposed to another pit opening.

Keith Nemecek was sworn in and stated there has been 20-30 years of active mining that is already permitted; no need for an additional nonmetallic mine. Concerned with not following road limit regulations and concerned with the noise coming from the mine.

Piel questioned if Nemecek was made aware of the change of the meeting date and he stated he was not aware of the change.

Brimmer questioned the Town stated concerns about local businesses being negatively impacted. Nemecek didn't see a negative impact or any potential for a direct impact based on the surrounding parcels and proximity to businesses in the area.

Chair Piel asked for any additional testimony.

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 10:30 a.m.

Motion / second by Lawson / Opitz to **grant** the conditional use request as proposed.

The Board deliberated and completed the Conclusion of Law and Decision Sheet

Motion **carried** 4 yes, 0 no, roll call vote.

3. Board education and training as needed – None.

4. Board Appointments – Hanson mentioned that Jim Servi expressed interest in possibly serving on the Board of Adjustment as an alternate, rather than a full member capacity. Carolyn Opitz is interested in a full time member position. This was informational only.

5. Announcements and Requests – None.

Next meeting date – May 27, 2021 at 9:00 am, 212 River Drive, Wausau Room 5 / remotely

6. Meeting adjourned – **Motion** / second by Brimmer / Lawson to adjourn at 10:37 am. Motion **carried** by voice vote, no dissent.

Respectfully submitted,
Kerry Brimmer on behalf of Secretary Arnold Schlei
Marathon County Board of Adjustment

kb/cek

cc: Board of Adjustment (7), County Clerk, Town Clerk

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