

Judge Cameron
Branch I

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH ___

CHIPPEWA COUNTY

LORAN B. ZWIEFELHOFER
14411 County Highway DD
Bloomer WI 54724,

and

WILLIAM J. SCHINDLER, III
15204 County Highway DD
Bloomer WI 54724,

and

GLENN R. SARAUER
4993 County Highway A
Bloomer WI 54724,

and

SAMUEL R. LA GESSE
4621 186th Avenue
Bloomer WI 54724,

Plaintiffs,

vs.

TOWN OF COOKS VALLEY,
a Wisconsin quasi-municipal corporation
15784 40th Street
Bloomer WI 54724,

Defendant.

To each entity named above as a Defendant:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within **twenty (20)** days of receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The

DULY SERVED
NAME Ronald Fanetti
AT 13896 60th St Bloomer
DATE 10-25-09 TIME 8:00 p
BY J. Halligan

FILED
CLERK OF CIRCUIT COURT
CHIPPEWA COUNTY, WI
09 OCT 23
PM 1:59

SUMMONS

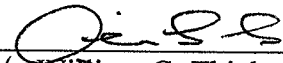
Case No: 09-CV- 738
Case Code: 30701
Declaratory Judgment

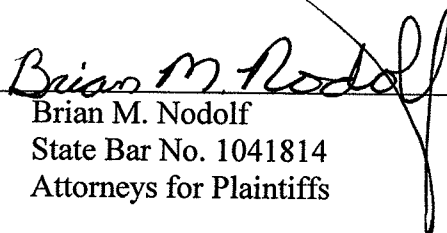
Court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Court whose address is Clerk of Circuit Court, Chippewa County Courthouse, 711 North Bridge Street, Chippewa Falls, Wisconsin 54729 and to Weld, Riley, Prenn & Ricci, S.C., Plaintiffs' attorneys, whose address is 3624 Oakwood Hills Parkway, P.O. Box 1030, Eau Claire, Wisconsin 54702-1030. You may have an attorney help or represent you.

If you do not provide a proper Answer within **twenty (20)** days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 23rd day of October, 2009.

WELD, RILEY, PRENN & RICCI, S.C.

By: 
William G. Thiel
State Bar No. 1016659
Attorneys for Plaintiffs

By: 
Brian M. Nodolf
State Bar No. 1041814
Attorneys for Plaintiffs

Mailing Address:
3624 Oakwood Hills Parkway
PO Box 1030
Eau Claire WI 54702-1030
715-839-7786

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CIRCUIT COURT
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LORAN B. ZWIEFELHOFER
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vs.

TOWN OF COOKS VALLEY,
a Wisconsin quasi-municipal corporation
15784 40th Street
Bloomer WI 54724,

Defendant.

COMPLAINT

Case No: 09-CV- 738
Case Code: 30701
Declaratory Judgment

FILED
CLERK OF CIRCUIT COURT
CHIPPEWA COUNTY, WI
09 OCT 23 PM 2:00

Plaintiffs, Loran B. Zwiefelhofer, William J. Schindler, III, Glenn R. Sarauer, and Samuel R. LaGesse, by their attorneys, William G. Thiel and Brian M. Nodolf, of the law firm of Weld, Riley, Prenn & Ricci, S.C., as and for a Complaint against Defendant, Town of Cooks Valley, hereby allege as follows:

General

1. Plaintiff, Loran B. Zwiefelhofer (“Zwiefelhofer”), is an adult residing at 14411 County Highway DD, Bloomer, Wisconsin.
2. Plaintiff, William J. Schindler, III (“Schindler”), is an adult residing at 15204 County Highway DD, Bloomer, Wisconsin.
3. Plaintiff, Glenn R. Sarauer (“Sarauer”), is an adult residing at 4993 County Highway A, Bloomer, Wisconsin.
4. Plaintiff, Samuel R. LaGesse (“LaGesse”), is an adult residing at 4621 186th Avenue, Bloomer, Wisconsin.
5. Defendant, Town of Cooks Valley (the “Town”), is a Wisconsin quasi-municipal corporation located in Chippewa County and having its office and principal place of business at 15784 40th Street, Bloomer, Wisconsin.
6. The Town Board of Supervisors for the Town of Cooks Valley (the “Town Board”) first discussed adoption of a nonmetallic mining ordinance at a “Special Town Board Meeting” on June 20, 2008. A copy of the agenda for this meeting is attached hereto as Exhibit A. A copy of the minutes for this meeting is attached hereto as Exhibit B.
7. The Town Board “accept[ed] the preliminary Chapter 19 Mining Ordinance” at the monthly Town Board Meeting on July 14, 2008. A copy of the agenda for this meeting is attached hereto as Exhibit C. A copy of the minutes for this meeting is attached hereto as Exhibit D. A copy of the “Preliminary Chapter 19 Mining Ordinance” is attached hereto as Exhibit E.

8. Plaintiffs Zwiefelhofer, Schindler, Sarauer, and LaGesse filed a Notice of Claim and Claim (“Claim”), pursuant to Wis. Stat. § 893.80, requesting the Town acknowledge the Ordinance was adopted illegally, is unconstitutional, and therefore is inapplicable to Plaintiffs’ proposed land uses. A copy of the Claim is attached hereto as Exhibit F.

9. The Town Board adopted a “three-month moratorium on mining operations” at the monthly Town Board Meeting on October 13, 2008. A copy of the agenda for this meeting is attached hereto as Exhibit G. A copy of the minutes for this meeting is attached hereto as Exhibit H.

10. The “three-month moratorium on mining operations” was adopted on a voice vote without any discussion or explanation other than one Town Board member stated the moratorium would allow the Town Board time to tweak its nonmetallic mining ordinance and permit process. No written document or explanation regarding this moratorium was referenced or provided. The alleged moratorium on mining operations expired on January 13, 2009.

11. The Town Board discussed multiple considerations including, but not limited to, interpretation, application, applicability, permitting, and enforcement, related to the nonmetallic mining ordinance at a “Special Town Board Meeting” on November 5, 2008. A copy of the agenda for this meeting is attached hereto as Exhibit I. A copy of the minutes for this meeting is attached hereto as Exhibit J.

12. The Town Board adopted non-substantive revisions to the “Chapter 19 Mining Ordinance” at a “Special Town Board Meeting” on December 17, 2008. At this same meeting, the Town Board also “accept[ed] the application form as Appendix A with the deletion of the Federal ID # and the State ID #” and “approve[d] the changes to the sample mining permit form

Appendix A of the Chapter 19 Non-Metallic Mining Ordinance.” A copy of the agenda for this meeting is attached hereto as Exhibit K. A copy of the minutes for this meeting is attached hereto as Exhibit L. A copy of the “Chapter 19 Mining Ordinance” is attached hereto as Exhibit M.

Zwiefelhofer

13. Zwiefelhofer is a landowner in the Town who has engaged in non-metallic mining in the past and desires to continue engaging in expanded non-metallic mining on his property. A copy of Zwiefelhofer’s deeds are attached hereto as Exhibit N.

14. Zwiefelhofer’s property contains two non-metallic mining pits which have been in existence prior to 1959.

15. The Town Board acknowledged and recorded the existence of non-metallic mining pits within the Town at the monthly Town Board Meeting on August 11, 2008. These included, among others, the two pits on property owned by Zwiefelhofer. A copy of the agenda for this meeting is attached hereto as Exhibit O. A copy of the minutes for this meeting is attached hereto as Exhibit P.

16 The Zwiefelhofer pits are approximately one-half to one acre in total size each. Sand, black dirt, clay, and shale have been removed from the pits for use in a variety of projects including sales of material to third parties.

17 Zwiefelhofer desires to expand the scope of non-metallic mining operations on his property. To that end, he has, and continues to engage in contract negotiations with third parties that would allow the third parties to engage in commercial, non-metallic mining operations on his property.

18. As the validity and enforceability of the Town's non-metallic mining ordinance has not been adjudicated, the third parties are unwilling to enter into contracts with Zwiefelhofer. This has resulted in substantial losses to Zwiefelhofer.

19. Zwiefelhofer is in the process of finalizing and receiving his reclamation permit from the Chippewa County Land Conservation Department allowing a non-metallic mining site not to exceed twenty (20) acres. Zwiefelhofer filed his non-metallic mining reclamation permit application on September 26, 2008. A copy of the application receipt is attached hereto as Exhibit Q. To date, Zwiefelhofer has spent \$1,335.00 on the reclamation permit application process.

20. Zwiefelhofer has engaged in non-metallic mining subsurface testing. Copies of certain lab reports performed by Classification & Flotation Systems, Inc. are attached hereto as Exhibit R. The specific test results are confidential and are therefore redacted in order to maintain said confidentiality. The cost of testing was paid for by a third party interested in entering into a contract with Zwiefelhofer.

Schindler

21. Schindler is a landowner in the Town who has engaged in non-metallic mining in the past and desires to continue engaging in expanded non-metallic mining on his property. A copy of Schindler's deeds are attached hereto as Exhibit S.

22. Schindler's property contains a non-metallic mining pit which has been in existence for over thirty years.

23. The Schindler pit is approximately one-half acre in total size. Fill sand has been removed from the pit for use in cow yards and construction projects.

24. Schindler desires to expand the scope of non-metallic mining operations on his property. To that end, he has, and continues to engage in contract negotiations with third parties that would allow the third parties to engage in commercial, non-metallic mining operations on his property.

25. As the validity and enforceability of the Town's non-metallic mining ordinance has not been adjudicated, the third parties are unwilling to enter into contracts with Schindler. This has resulted in substantial losses to Schindler.

Sarauer

26. Sarauer is a landowner in the Town who has engaged in non-metallic mining in the past and desires to continue engaging in expanded non-metallic mining on his property. A copy of Sarauer's deeds are attached hereto as Exhibit T.

27. Sarauer's property contains a non-metallic mining pit which has been in existence for over forty-five (45) years.

28. The Sarauer pit is less than one acre in total size. Fill sand has been removed from the pit for use in cow yards and construction projects.

29. Sarauer desires to expand the scope of non-metallic mining operations on his property. To that end, he has, and continues to engage in contract negotiations with third parties that would allow the third parties to engage in commercial, non-metallic mining operations on his property.

30. As the validity and enforceability of the Town's non-metallic mining ordinance has not been adjudicated, the third parties are unwilling to enter into contracts with Sarauer. This has resulted in substantial losses to Sarauer.

31. Sarauer is in the process of finalizing and receiving his reclamation permit from the Chippewa County Land Conservation Department allowing a non-metallic mining site not to exceed ten (10) acres. Sarauer filed his non-metallic mining reclamation permit application on September 26, 2008. A copy of the application receipt is attached hereto as Exhibit U. To date, Sarauer has spent \$1,075.00 on the reclamation permit application process.

32. Sarauer has permitted a third party to engage in non-metallic mining subsurface testing on his property. The cost of testing was paid for by the third party.

LaGesse

33. LaGesse is a landowner in the Town who has engaged in non-metallic mining in the past and desires to continue engaging in expanded non-metallic mining on his property. A copy of LaGesse's deeds are attached hereto as Exhibit V.

34. LaGesse's property contains a non-metallic mining pit which has been in existence for over twenty years.

35. The Town Board acknowledged and recorded the existence of non-metallic mining pits within the Town at the monthly Town Board Meeting on August 11, 2008. These included, among others, the pit on property owned by LaGesse. A copy of the agenda for this meeting is attached hereto as Exhibit O. A copy of the minutes for this meeting is attached hereto as Exhibit P.

36. The LaGesse pit is less than one acre in total size. Fill sand has been removed from the pit for use in cow yards, construction projects, and agricultural uses.

37. LaGesse desires to expand the scope of non-metallic mining operations on his property. To that end, he has entered into a contract with a third party that allows the third party to engage in commercial, non-metallic mining operations on his property.

38. LaGesse expects the third party to engage in non-metallic mining in the imminent future despite the terms of the Town's non-metallic mining ordinance. Failure to do so would result in substantial losses to LaGesse.

39. LaGesse has finalized and received his reclamation permit from the Chippewa County Land Conservation Department allowing a non-metallic mining site not to exceed five (5) acres. LaGesse filed his non-metallic mining reclamation permit application on October 9, 2008. A copy of the application receipt is attached hereto as Exhibit W. A copy of the reclamation permit from the Chippewa County Land Conservation Department is attached hereto as Exhibit X. LaGesse has spent \$845.00 on the reclamation permit application process.

40. LaGesse has engaged in non-metallic mining geologic engineering. LaGesse has spent \$2,250.00 on geologic engineering.

41. LaGesse's Initial Site Map approved by the Chippewa County Land Conservation Department as part of the non-metallic mining reclamation permit application process is attached hereto as Exhibit Y. LaGesse's Operations Site Map approved by the Chippewa County Land Conservation Department as part of the non-metallic mining reclamation permit application process is attached hereto as Exhibit Z. LaGesse's Final Site Map approved by the Chippewa

County Land Conservation Department as part of the non-metallic mining reclamation permit application process is attached hereto as Exhibit AA.

42. LaGessee has engaged in non-metallic mining subsurface testing. LaGessee is responsible for the \$5,120.00 cost of subsurface testing.

Failure of Town to Enforce Non-metallic Mining Ordinance

43. During the Town's three-month moratorium on mining operations, Town Supervisor Gary Yakesh observed Town resident David LaGessee engaging in non-metallic mining operations on property owned by Sarauer. Despite the moratorium and this first-hand observation by Mr. Yakesh, the Town did not take any enforcement action against either David LaGessee or Sarauer.

44. During June/July 2009, David LaGessee was contacted by Town Chairperson Ron Fanetti. Chairperson Fanetti received a complaint that David LaGessee violated the Town's non-metallic mining ordinance. David LaGessee informed Chairperson Fanetti that the Town should take enforcement action against him. However, the Town took no such action.

Illegal and Unconstitutional Zoning Ordinance

45. Chippewa County has enacted, and enforces, a county-wide zoning ordinance under Wis. Stat. § 59.69.

46. The Town is presently not a party to the Chippewa County Zoning Code and is therefore classified as "unzoned".

47. Towns in Wisconsin are quasi-municipal corporations and only have those powers which are expressly set forth by statute or by clear and necessary implication therefrom.

48. The Town's non-metallic mining ordinance constitutes a zoning ordinance insofar as it pervasively prohibits or limits the use of land within the Town.

49. As a zoning ordinance, the Town's non-metallic mining ordinance has not been adopted in accordance with the substantive and procedural requirements of Wis. Stat. § 60.62.

Excess of Limited Delegation of General Police Powers

50. In the alternative, if the Court determines that the Town's non-metallic mining ordinance is not a zoning ordinance, it constitutes an ordinance enacted in excess of the Town's limited delegation of general police powers by the State Legislature.

51. General power ordinances may only be adopted by a Town Board subsequent to the Town Board's adoption of village powers pursuant to Wis. Stat. § 60.22(3).

52. To date, the Town does not possess properly adopted village powers and therefore may not adopt the Town's non-metallic mining ordinance.

Unconstitutional Police Power Ordinance

53. Further, in the alternative, if it is determined the Town's non-metallic mining ordinance is not a zoning ordinance and is not an excess of limited delegation of general police powers, the Town's non-metallic mining ordinance fails to contain reasonable standards against which the Town will exercise discretionary authority to grant or deny non-metallic mining permits and, as such, is arbitrary and capricious, constituting a denial of due process and is therefore unconstitutional.

Invalid Police Power Ordinance

54. Finally, in the alternative, if it is determined the Town's non-metallic mining ordinance is not a zoning ordinance, is not an excess of limited delegation of general police powers, and is not an unconstitutional police power ordinance, it is an invalid police power ordinance. The Town's non-metallic mining ordinance is an invalid police power ordinance as it was not adopted utilizing the required legal procedures, is a draft/preliminary version only, and does not include the required, properly adopted application and corresponding permit.

General

55. Plaintiffs continue to maintain the Town's non-metallic mining ordinance was adopted illegally, is unconstitutional, and therefore is inapplicable to Plaintiffs' proposed land uses.

56. The said three-month moratorium on mining operations having expired, there is no impediment to Plaintiffs engaging in non-metallic mining, subject only to county and state governmental regulations.

57. Plaintiffs file this action for a declaratory judgment pursuant to Wis. Stat. § 806.04 for the Court to determine the validity of the Town's non-metallic mining ordinance and Plaintiffs' rights to engage in their proposed land uses.

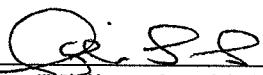
WHEREFORE, Plaintiffs request a declaratory judgment against the Town as follows:

1. That the Court determine the Town's non-metallic mining ordinance is a zoning ordinance adopted illegally contrary to Wis. Stats. § 60.62, is unconstitutional, and does not apply to Plaintiffs' proposed land use;

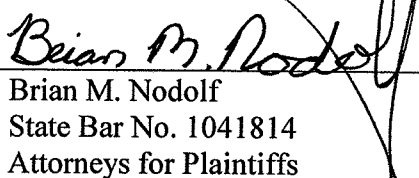
2. That alternatively the Court construe the Town's non-metallic mining ordinance as a general police power ordinance enacted in excess of the Town's delegated powers and lacking standards for the purpose of delineating discretionary decision-making authority;
3. That alternatively the Court construe the Town's non-metallic mining ordinance as an invalid police power ordinance.
4. That the Court determine the Town has no jurisdiction over Plaintiffs' proposed land use under said ordinance;
5. For Plaintiffs' costs, disbursements, and attorney fees; and
6. For such other and further relief as the Court deems equitable.

Dated this 23rd day of October, 2009.

WELD, RILEY, PRENN & RICCI, S.C.

By: 

William G. Thiel
State Bar No. 1016659
Attorneys for Plaintiffs

By: 

Brian M. Nodolf
State Bar No. 1041814
Attorneys for Plaintiffs

Mailing Address:
3624 Oakwood Hills Parkway
PO Box 1030
Eau Claire WI 54702-1030
715-839-7786

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Special Town Board Meeting
June 20, 2008

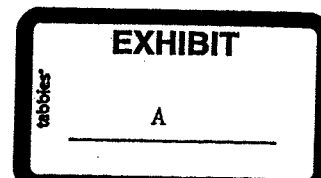
There will be a special board meeting of the town board of the Town of Cooks Valley on Friday, June 20, 2008 at the Cooks Valley Town Hall located at 15784 40th Street at 8:00 pm.

Agenda:

1. Call to Order
2. Discussion and possible action on bids for 148th/150th Avenue roadwork
3. Discussion and possible action on a Nonmetallic Mining Ordinance
4. Discussion and possible action on crack sealing and flex sealing
5. The town board will inspect the driveway on 148th/150th Avenue to determine if the driveway is in compliance with the driveway ordinance specifications.
6. Adjourn

Posted at the following locations:

Trout Creek Tavern
Cooks Valley Town Hall
Valley Tavern
Township Web Page at [bloomer.net/~cv1927/](http://www.bloomer.net/~cv1927/)



SPECIAL TOWN BOARD MEETING

June 20, 2008

The Special Town Board meeting of the Town of Cooks Valley was called to order on June 20, 2008 at the Cooks Valley Town Hall located at 15751 40th Street at 8:00 pm by Chairman Ron Fanetti. Supervisors present were David Clements and Gary Yakesh. Other officials present were Eunice Steinmetz-treasurer and Victoria Trinko-clerk. Delegation present: Steve Hilger.

There was discussion about the bids for asphalt paving on 148th/150th Avenue. Specifications included asphalt paving bituminous mat type E-1, 12.5 millimeter, final compacted thickness 2 ¼ inches, 20 feet wide. The township has the right to reject any and all bids. Payment will be negotiated at the time of the awarding of the contract. The clerk will compose a notice to be published as a class II notification.

There was discussion on the Mining Ordinance. The town board has a responsibility to protect the health and welfare of the residents and the condition of the roads in the township. Issues to be considered:

- A two-year permit, Safety, Zoning vs. non-zoning with the county, Include exclusions such as time of the operation [daily, hours], Videotape the conditions of the roads[prior to the operation and periodically during the operation of the mine], Bond roads for the amount to fix the roads or tell the company the township wants a certain percentage of each ton removed to repair the roads every year and place the money in escrow. If there is an excess of funds, this excess would be distributed to the residents in the form of lower taxes.

Other options included if there were weight limits placed on the roads; this would anger local heavy truck users. So the township could include a clause that 50% of the people or equipment used by the company came from the township. An example is a union requiring employment of people from the local union at a project.

After receiving a copy of the draft for the Nonmetallic Mining Ordinance, the clerk will post the draft in the 3 public places and publish a public hearing notice in the Bloomer Advance for 7:30 pm on July 14, 2008.

David Clements made a motion to crack seal 155th Avenue [from State Highway 40 to County Highway DD], 46th Street [from 155th Avenue to County Highway A], 12th Street [from County Highway A to the town line on 10th Street] for the amount of \$3410.00. Ron Fanetti seconded the motion. David Clements-aye, Ron Fanetti-aye, Gary Yakesh-nay. The motion carried 2-1.

David Clements made a motion to flex seal 186th Avenue, 178th Avenue, 170th Avenue, 155th Avenue [from State Highway 40 to 60th Street] and 4500 feet of 60th Street on the south at a cost not to exceed \$21,588.80. Ron Fanetti seconded the motion. David Clements-aye, Ron Fanetti-aye, Gary Yakesh-nay. The motion carried 2-1.

The town board inspected the driveway on 148th/150th Avenue to determine if the driveway was in compliance with the driveway ordinance specifications. Upon inspection, the board determined the driveway is not in compliance with the driveway ordinance specifications. The chairman will be returning the permit to the owner.

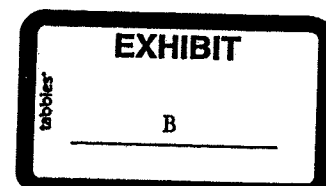
Ron Fanetti made a motion to adjourn the meeting at 9:34 pm. Gary Yakesh seconded the motion. The motion passed 3-0.

Respectfully Submitted

Draft: 6/22/08

Approved: 7/14/08

Victoria Trinko
Town Clerk



**Town of Cooks Valley
REGULAR TOWN BOARD MEETING
July 14, 2008**

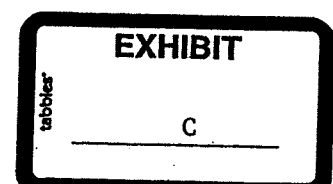
The Town of Cooks Valley town board will hold its regular town meeting on Monday July 14, 2008 at the Cooks Valley Town Hall [15751 40th Street] at 8:00 pm. The public is invited to attend this meeting.

Agenda

1. **Call to Order**
2. **Public Comment**
3. **Approval of the minutes of the June 9, 2008 regular meeting and minutes of June 20, 2008 special meeting**
4. **Approval of the July financial report**
5. **Reading and approval of the June bills**
6. **Discussion and possible action on budget categories**
7. **Discussion and possible action on roadwork on 148th/150th Avenue.**
8. **Discussion and possible action on closed Bloomer Municipal Landfill**
9. **Discussion and possible action on Mining Ordinance**
10. **Discussion and possible approval of operators applications**
11. **Public Comment**
12. **Clerk's Report**
13. **Chairman's Report**
14. **Future agenda items and business**
15. **Adjourn**

Posted:

**Cooks Valley Town Hall
Valley Tavern
Trout Creek Tavern,
Township Web Page at <http://www.bloomer.net/~cv1927>**



Town of Cooks Valley

Regular Town Board Meeting

July 14, 2008

Chairman Ron Fanetti called the meeting to order on July 14, 2008 at 8:03 pm. The supervisors present were: David Clements and Gary Yakesh. Delegation present were: Victoria Trinko-clerk, Eunice Steinmetz-treasurer, Glenn Sarauer, William Schindler, Tom Short, Peter Friberg, Robert Stearns, David Jaenke, and David LaGessee.

PUBLIC COMMENT: There was no public comment.

Gary Yakesh made a motion to accept and place on file the minutes of the June 9, 2008 regular meeting.

David Clements seconded the motion. The motion carried 3-0.

David Clements made a motion to approve the July financial report. Gary Yakesh seconded the motion. The motion carried 3-0.

Gary Yakesh made a motion to approve the payment of the June bills. David Clements seconded the motion. The motion carried 3-0.

There was no action taken on budget categories.

There was discussion on the roadwork on 148th/150th Avenue in relation to grinding the road. There are layers that should make a good base. David Clements made a motion to put 2 inches of gravel over the existing blacktop on 148th/150th Avenue before grinding by Monarch Paving.

Gary Yakesh seconded the motion. The motion carried 3-0. Monarch paving will pulverize the blacktop for .34 per square yard [19,500 yard] for approximately \$6630.00 on 148th/150th Avenue. The Monarch Paving bid for asphalt on 148th/150th Avenue-8700 feet, 20 feet wide, 2 ¼ inches after compaction was \$103,431.57. Two estimates from the Chippewa County Highway Dept. with the specifications of 8700 feet 20 feet wide., 2 ¼ inch after compaction ½ inch, 12.5 millimeter rock was \$114,715.00 or ¾ inch rock or 19 mm. with the same specifications for \$99,931.50. Terms for payment for paving: Payment will be made in installments when the township receives Transportation Aids from the State with the total paid in December of 2009.

David Clements made a motion to accept Monarch Paving's bid of \$103,431.57 for paving and terms of payment of 148th/150th Avenue. Gary Yakesh seconded the motion. The motion carried 3-0. The clerk will publish a bid notification for the shouldering on 148th/150th Avenue. The township can not change the address or name of 148th/150th Avenue as it would involve 911 numbers, tax rolls, etc. It was suggested to erect a sign "To 148th/150th Avenue" to indicate the change in the name at each end of the road.

Discussion on the closed Bloomer Municipal Landfill included the minutes filed from the City of Bloomer indicating the percentage of residents of the Town of Cooks Valley who could purchase stickers to use the landfill. ~~The clerk received information from Mike Meindel, Public Works Administrator for the City of Bloomer.~~ He indicated there has been a southeast migration of gases into wells, so the City of Bloomer has initiated a passive ventilation system which involves holes drilled with piping to allow gases to vent for the cost of \$20,000.00. Testing has indicated the gases are okay. This process has been reported to the DNR and shows progress made by the City of Bloomer which may stall the process of dealing with these gases. The City of Bloomer pays \$12,000-\$13,000 yearly for testing and more tests may be required. If the passive ventilation system does not work, a system with motors to ventilate the area will be established at the cost of \$70,000.00. The City of Bloomer is looking for funding sources so this is what prompted the letter to the townships to accept partial responsibility for payment of the cleanup process and the City of Bloomer is applying for grant money from the Federal and State government. The actions taken are meant to be proactive and divert a legal battle similar to the one in New Richmond and the surrounding townships.

Ron Fanetti made a motion to accept the preliminary Chapter 19 Mining Ordinance. Gary

EXHIBIT

Yakesh seconded the motion. Ron Fanetti-aye, David Clements-aye, Gary Yakesh-aye. The motion carried 3-0.

Gary Yakesh made a motion to approve the operators applications of David J. Huse, Jeffrey C. Harm, Jeffrey W. Steinmetz. David Clements seconded the motion. The motion carried 3-0. PUBLIC COMMENT Eunice Steinmetz reported Trout Creek Inn has not paid their license fees at this time.

CLERK'S REPORT:

- The contract with Waste Management in cooperation with the Town of Howard has not been received by the town clerk at the time of this meeting. The clerk will call Renee Yohnk about the contract from Waste e Management and possibly send a letter to Waste management concerning the contract in conjunction with the Town of Howard.
- Building permit and \$20.00 from Todd Buchner

CHAIRMAN'S REPORT:

- Received a medical protocol from the county
- A-1 Materials flier for bids
- Went to Bloomer to sign a contract for the purchase of the electrical building for the ambulance service.
- A letter indicated Lee Fochs has bee replaced for the assignment of the building inspector.
- Building permit/demolition permit-Linda McCluskey- she is tearing down the old creamery and putting an addition on her house \$25.00 paid for the permit.
- Building permit for Doug Zwiefelhofer for grain drying bin \$20.00
- Building permit for Stan Sarauer garage \$20.00
- Driveway permit form John Clements. The variation did not meet the requirements for the slope so a ditch is needed on both sides of the driveway. The variance is about how the driveway meets the road.

FUTURE AGENDA ITEMS AND BUSINESS:

- The next regular monthly town board meeting will be August 11, 2008 at 8:00 pm.
- Discussion and possible action on budget categories.
- Discussion and possible action on bids for shouldering on 148th/150th Avenue
- Discussion and possible action on Waste Management contract

ADJOURN:

~~Gary Yakesh made a motion to adjourn the meeting at 9:21 p.m. David Clements seconded the motion. The motion carried 3-0.~~

Typed July 25, 2008

Respectfully submitted,

Approved August 11, 2008
clerk

Victoria Trinko, town

TOWN OF COOKS VALLEY

CHAPTER 19

MINING ORDINANCE

SECTION 2.01 PREAMBLE

The purpose of this subchapter is to promote the health, safety, prosperity, aesthetics and general welfare of the people and communities within the Town and set forth the rules and procedures for this municipality regarding metallic and nonmetallic mines within the Town.

SECTION 2.02 INTENT

The general intent of this subchapter is to regulate the location, construction, installation, alteration, design and use of all metallic and nonmetallic mines so as to protect the health of residents and transients; secure safety from disease and pestilence; further the appropriate use and conservation of land and water resources; preserve and promote the administration and enforcement of this subchapter and provide penalties for its violations.

SECTION 2.03 INTERPRETATION

In their interpretation and application, the provisions of this subchapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

SECTION 2.04 DEFINITIONS

(1) *Metallic Mining* or *Mining* means operations or activities for the commercial extraction from the earth of merchantable metallic minerals or the exploration or prospecting for such minerals and includes operations, processes or activities related to that extraction.

(2) *Nonmetallic mining* and *mining* mean all of the following:

a. Operations or activities at a nonmetallic mining site of more than one acre for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

b. Processes carried out at a nonmetallic mining site that is related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to, stockpiling of

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materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

SECTION 2.05 METALLIC OR NONMETALLIC MINING.

- (1) Metallic and nonmetallic mining of any form are allowed only as provided for in this section.
- (2) The applicant shall apply for a Town permit for a metallic or nonmetallic mining prior to the start of work on any structure or facility and prior to obtaining State, County and DNR permits required under applicable Wisconsin statutes or administrative codes.
- (3) The Town Board shall be the sole determining body of whether to issue the permit, after review and recommendation by the Town Plan Commission and a public hearing has been held by the Town Board with notice given by US Mail to all adjoining landowners to the proposed metallic or nonmetallic mine. The Town Board shall grant the permit if it is determined that the metallic or nonmetallic mine is in the best interests of the citizens of the Town.
- (4) The Town permit shall be void for such metallic or nonmetallic mines unless the applicant has obtained all State, County and DNR permits required under applicable Wisconsin statutes or administrative codes prior to the start of work on any structure or facility.

SECTION 2.06 PROCEDURES

- (1) The applicant shall complete a Town of Cooks Valley Mining Permit Application and pay the relevant application fee.
- (2) After receiving the application, the Town Clerk shall mail a copy of the application to all adjoining landowners to the proposed mining site with the date and time of the next Town Plan Commission Meeting and Town Board Meeting where the Town Board shall have a public hearing with public comment on the proposed mine.
- (3) The Clerk shall then place the application on the agenda for the next Town Plan Commission meeting and on the agenda for the next Town Board Meeting.
- (4) At the Town Board Meeting, the Board shall take public comment on the proposed mine prior to deciding whether the mine meets the requirements of all State, County and DNR requirements and whether the mine is in the best interests of the citizens of the Town.
- (5) All required fees shall be paid prior to the Town Hearing on the issuance of the Town permit. All fees are nonrefundable.
- (6) Procedures will be in place for bonding for reclamation as outlined in the county and bonding for road restoration.

SECTION 2.07 EFFECTIVE DATE

This ordinance shall take effect upon passage and publication.

SECTION 2.08 EXCEPTIONS FROM ORDINANCE

Nonmetallic mines that are in operation at the time this ordinance is adopted are not subject to the TOWN OF COOKS VALLEY permitting process AS STATED IN THIS ORDINANCE.

SECTION 2.09 ENFORCEMENT AND PENALTIES.

Any violation of this ordinance shall be punishable by a forfeiture of not less than \$100 nor more than \$500 per day for every day in violation of this ordinance, plus the costs of prosecution for each and every violation. The Town's Attorney shall expeditiously prosecute all such violators. Each day of violation shall constitute a separate offense.

Dated this 22nd Day of June 2008 draft presented to be posted 14 days prior to presented to the board.

The Town of Cooks Valley Clerk shall properly post or publish this ordinance as required under 60.80, Wisconsin Statutes

Adopted this 14th day of July 2008.

Signatures for the Town Board

Chairman _____

Supervisor _____

Supervisor _____

Attest:
Town Clerk _____

NOTICE OF CLAIM AND CLAIM
§ 893.80, Wis. Stats.

Loran Zwiefelhofer, Glenn Sarauer, Jeff Buchner, Donald Prill, Sam LaGesse, Bill Schindler and Geraldine Robinson, by and through their attorney, William G. Thiel of Weld, Riley, Prens and Ricci, S.C. of Eau Claire, Wisconsin, hereby file the following Notice of Claim and Claim against the Town of Cooks Valley, Chippewa County, Wisconsin.

1. Loran Zwiefelhofer, Glenn Sarauer, Jeff Buchner, Donald Prill, Sam LaGesse, Bill Schindler and Geraldine Robinson are real estate owners in the Town of Cooks Valley ("Town").
2. The Town is, as of the date of this Notice of Claim and Claim, not a party to the Chippewa County Zoning Code.
3. Chippewa County has enacted and enforces a county-wide zoning ordinance under §59.69, Wis. Stats.
4. The Town has adopted and has indicated to the Claimants, its intent to enforce what it calls Chapter 19, Mining Ordinance.
5. Among other controls set forth in the said ordinance are the following:
 - (1) § 2.02 The intent is to regulate "the location...of all metallic and nonmetallic mines; ...further the appropriate use and conservation of land and water resources...
 - (2) § 2.02 (2) The ordinance applies to mining sites of one (1) acre or more in size
 - (3) § 2.04 (2) Non-metallic mining is defined as any and all processes to remove non-metallic minerals from the soil
 - (4) § 2.06 Each proposed mine shall be subject to a public hearing with a decision made by the Town Board on the basis of state, county, and DNR requirements as to whether the mine is in the best interests of the citizens of the Town.
6. Ch. 19 of the Town Code constitutes a zoning ordinance insofar as it pervasively prohibits or limits the use of land within the Town and has not been adopted in accord with the substantive and procedural requirements of §60.62, Wis. Stats.; to-wit, upon information and belief it was not adopted following either a referendum vote of the electors of the Town or action of the Town Meeting, nor did the Chippewa County Board of Supervisors approve of the adoption and enforcement of said ordinance.
7. That beyond the defects in the adoption of Ch. 19 by the Town Board in accord with §§59.69 and 60.62, Wis. Stats., the ordinance is unconstitutional insofar as contrary to Town of Rhine v. Bizzell, ___ Wis. 2d ___, 2006 AP 450 (2008), as a zoning ordinance it does not provide

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for any specific locations or districts within the Town where non-metallic mining is a permitted use; instead, at all locations within the Town, non-metallic mining is a "conditional" use of property, subject to a case-by-case review and analysis by the Town Board, which vests itself with the discretion under §2.06(4) to decide whether or not to grant a permit for such a mine.

8. That upon information and belief, at least two different applications for non-metallic mining permits have been developed, none of which have been approved or authorized by the Town Board. That each of these application forms ask questions which do not pertain to the regulations set forth in Ch. 19, the non-metallic mining ordinance.

9. That upon information and belief, a permit form has been devised, which has not been approved or authorized by the Town Board, and which permit describes the permission granted as that of a "conditional use permit" which further substantiates the Claimants' contention that the ordinance in question is a zoning ordinance which has been improperly adopted.

10. That to the extent that it can be contended by the Town that Ch. 19 is not a zoning ordinance, it fails to contain reasonable standards against which the Town Board exercises its discretionary authority to grant or deny a non-metallic mining permit and, as such, is arbitrary and capricious.

11. That each of the Claimants desire to engage in non-metallic mining on their respective properties in the Town.

WHEREFORE, the Claimants request the following relief of and from the Town:

(A) That the Town acknowledge that its ordinance was adopted in violation of §60.62, Wis. Stats., and that it is inapplicable to the Claimants' proposed land use.

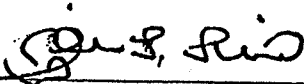
(B) That it acknowledge that its ordinance driven permit process for non-metallic mining in the Town is invalid and will not be enforced.

(C) That it advise each of the Claimants of their ability to pursue County and State permits for non-metallic mining operations without having to comply with Ch. 19 of the Town Code.

Further, that in lieu of the Town acknowledging that its ordinance was adopted illegally, is unconstitutional and does not apply to the Claimants' proposed land use, that the Claimants intend to pursue a declaratory judgment action in Circuit Court for Chippewa County, seeking to invalidate the Town's ordinance, to enjoin it from enforcing it against them and seeking the Claimants' costs and disbursements of such an action.

Dated this 8 day of October, 2008.

WELD, RILEY, PRENN & RICCI, S.C.

By: 

William G. Thiel
State Bar No. 01016659
Attorneys for Claimants

Mailing Address:

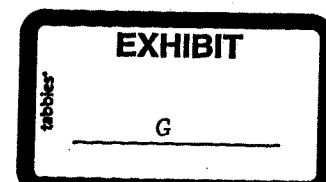
3624 Oakwood Hills Parkway
PO Box 1030
Eau Claire WI 54702-1030
715-839-7786

**Town of Cooks Valley
REGULAR TOWN BOARD MEETING
October 13, 2008**

The Town of Cooks Valley town board will hold its regular town meeting on Monday October 13, 2008 at the Cooks Valley Town Hall [15751 40th Street] at 8:00 pm. The public is invited to attend this meeting.

1. Call to Order
 2. Public Comment: the Cooks Valley town board welcomes public comments on matters pertaining to township issues. Because it is important to maintain order during the meeting, it is the policy of the town board that all public comments on an issue shall be limited to three (3) minutes per person, no person may make more than one (1) comment per subject and the session is no more than thirty minutes long. (We apologize for the tight time restrictions. They are necessary to ensure that we complete our business). Comments may be made on any subject pertaining to township issues, however, comments on matters not appearing on this agenda can only be discussed but may not be acted on at this meeting. If the board desires, the matters may be placed on a future agenda for action. No debating between residents, comments should be addressed to the town board.
 3. Approval of the minutes of the September 8, 2008 regular meeting and minutes of the September 17, 2008 special meeting
 4. Approval of the October financial report
 5. Reading and approval of the September bills
 6. Discussion and possible action on budget categories
 7. Discussion and possible action on Section 2.08 of Chapter 19 Mining Ordinance-definition and clarification of David LaGesse's Mining operation
 8. Notice of existing mine/pit re. section 2.08 Chapter 19 Mining Ordinance-Jeff Buchner, Glenn Sarauer
 9. Discussion and possible action on items 3,4 and 5 that were tabled at the Special Town Board Meeting on September 17, 2008.
 10. Discussion and possible consideration of a proposed mining moratorium
 11. Clerk's Report
 12. Chairman's Report
 - Road items
 - Discussion and possible action on a variance of a driveway
-
- ~~13. Future agenda items and business~~
 14. Adjourn

Please take notice that during the meeting the Town Board may go into closed session, pursuant to Wis. Stat. §§ 19.83 & 19.85(1)(g), to confer with legal counsel for the Town who is rendering oral or written advice concerning strategy to be adopted by the Town Board with respect to litigation or potential litigation in which the Town is or is likely to become involved relative to the Town's existing mining ordinance and proposed mining moratorium.



**Posted: Cooks Valley Town Hall,
Valley Tavern,
Trout Creek Tavern,
Township Web Page at <http://www.bloomer.net/~cv1927>**

Town of Cooks Valley

Regular Town Board Meeting

October 13, 2008

Chairman Ron Fanetti called the meeting to order on October 13, 2008 at 8:00 pm. The supervisors present were: David Clements and Gary Yakesh. Delegation present were: Victoria Trinko-clerk, Eunice Steinmetz-treasurer, and see the attached attendance sheet for residents and associates attending the meeting.

Brian Nodolf requested leaving public comment prior to the closed session.

Gary Yakesh made a motion to place agenda items 3-4-5-6- before agenda item 2 Public Comment, then go to item 2 and then proceed into closed session. David Clements seconded the motion. The motion carried 3-0.

David Clements made a motion to accept and place on file the minutes of the September 8, 2008 regular meeting and minutes of the September 17, 2008 special town board meeting. Gary Yakesh seconded the motion. The motion carried 3-0.

Gary Yakesh made a motion to approve the October financial report. David Clements seconded the motion. The motion carried 3-0.

David Clements made a motion to approve the payment of the September bills. Gary Yakesh seconded the motion. The motion carried 3-0.

Gary Yakesh made a motion to postpone discussion and possible action on budget categories until the next regular town meeting. David Clements seconded the motion. The motion carried 3-0

PUBLIC COMMENT: Brian Nodolf of Weld, Riley, Prens & Ricci representing Loren Zwiefelhofer, Glenn Sarauer, Jeff Buchner, Donald Prill, Sam LaGesse, David LaGesse, Bill Schindler, and Geraldine Robinson asked to speak. On behalf of his group, they want to go on public record as having nothing to do with the letter signed Township of Cooks Valley Landowners. He and the company he represents deals with land and zoning ordinances and helping people seek ways to make the best use of their property land and the township's responsibility is to provide limited guidance. His firm has provided the town's lawyer with a letter saying this mining ordinance is invalid, so any restrictions of the ordinance on preexisting mines are invalid and the moratorium is inappropriate. The opposition to the mining is based on offensive nature or dangerous... In this case, there has been no empirical evidence brought forth on dangers from mining but all based on scare. The landowners want to use their land to its highest and best use. The township's responsibility is to protect the town and that can be done by maintaining the status quo.

Question: how much time is to be allowed for each person to speak?

Loren Zwiefelhofer stated the mining does not want to cause damage to wells but control the dust and not ruin the land. Geraldine Robinson does not reside in the township.

Sam LaGesse feels they are being persecuted everybody's painting a picture that hasn't happened yet, no one wants to wreck their own property for greed and it seems like we're getting put in that position already.

Jane Sonnetag expressed concerns about protecting the town that we do not have all the facts concerning how the mining will affect our wells and the water table, how adding traffic will affect our roads, what the silica is going to do, adding more noise, people and businesses coming in that are not part of this community -how long will they stay here?-and how this benefits or affects everyone.

Erin Borofka does not know if anyone is completely opposed to the mining but cautioned that we should not act hastily and be well organized. She was appalled at the letter written to Ron Fanetti threatening him with a civil lawsuit if he signed a mining moratorium tonight and did not feel this was random but probably from someone who would benefit from it and not from all the

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landowners in Cooks Valley and which also threatens to sue our Township for close to a million dollars that would come back to burden every member of the township. David LaGesse said that truck traffic has not been established yet as far as he knows and we got farm traffic out here already.

Linda Blair -Response to Mr. Nodolf about what may or may not happen ie. Destroying the water table, destroying the air quality, these would not be a minor inconvenience to those who live in the township. Why are they not in favor of finding out whether there is evidence to support those claims and finding out whether that evidence is sufficient that there ought to be some kind of limitation on it? In general she is in favor of private property rights, but if there is something that is going to be so egregious she thinks we have a duty incumbent upon us as owners and fellow citizens to determine if the facts do support some kind of change or some kind of ordinance.

Glenn Sarauer commented to his knowledge there has ever been a problem with water quality or water table in Chippewa County so feels that is not an issue on this at all.

Question about any studies on sand mining been done in Chippewa County?

Andy Shakal feels confident that a workable solution can be arrived at and Loren Zwiefelhofer, Glenn Sarauer and the others do not want to do damage to the township and understands the concerns of the people not doing the mining of the risk involved and not knowing the potential risks [if the water table should go bad, there definitely is dust involved,] and how many people would be affected is unknown. It would allay the fears of a lot of people if reasonable things were put in place that if there is potential risk it would be good to have a plan in place to address these issues if and when they would arise. It would go a long way with him if something untoward happens or occurs, we have a plan in place. There was a comment about how property values may change, if there was an environmental impact study done, do we know what would happen with a project this big, with the traffic and noise is going to impact everybody and how they would restore the land?

Ron Fanetti commented that is covered by a county based reclamation plan. They will have to fill out a county reclamation plan- which is quite extensive.

Loren Zwiefelhofer provided two studies done by Patricia Schimmel, Chippewa County Treasurer, on houses located near large mining sites in Chippewa County and good houses located on good farm land or good areas to have houses. There was no difference on anything over years in progression of land value or house value. There was an estimated economic impact sand project study. There were no health studies.

Question about a law suit. Mr. Nodolf commented there is a claim- a potential precursor to a law suit; but no lawsuit. He further stated from his own personal knowledge Chippewa County has been dealing with mining for a number of years. He has dealt with several of these projects. In his opinion, these are fears that are unfounded. The county has dealt with these issues in reclamation plans and in terms of whether or not they choose to pass additional requirements. He finds it hard to believe the county board would leave so many unsafe physical issues for other towns; this does not have a whole lot to do with safety but a lot to do with Nimbyism which means it is just fine as long as it's not in my back yard.

Gary Yakesh asked if the Chippewa County is concerned about the mine operations at its onset and operation or are they more concerned about its reclamation when it gets done?

Brian Nodolf replied the county ordinance focuses more on the reclamation.

David Clements commented that we do not know the long term effect of this would be and gave an example of atrizene is now in the water. He felt that most people here are worried about is how it will be 20-25 years down the road. Everybody is gone, the reclamation is done and now what happens? If the filtration system is gone, anything can get in, once you get down to bedrock. He hasn't seen an environmental impact study of what could happen, the feasibility of stuff that could go wrong. If there is a 300 foot hole down there and the average well around here is 100-120 feet, if you are a 100 feet below the wells, your ground water travels at a snail's pace, it takes a long time to travel from point A to point B and that is what we don't know.

Question: What kind of bonding or insurance do you guys need to cover if something happens?
Explanation of bonding- it is an assurance if criteria were not met the bonding would be activated and those funds are used to complete the reclamation plan- about \$4000 an acre. If a landowner engaged in mining activities that impacts another person's property, they are liable under certain scenarios and they are going to be held accountable. The person bringing the claim has the burden of proof.

In answer to how long the bond lasts, Brian Nodolf is not familiar with the County's reclamation plan. They do a reclamation check and once all the things have been checked off, the bond is returned or nullified depending on how they are issued. This does not involve air quality or surrounding property, just the land involved in the mining.

Ron Fanetti and others that have talked to him- what about township roads that are used? Our roads simply will not take the traffic on the roads. We can barely keep up fixing the roads. What assurance do the rest of the people have if you destroy our roads that you will take responsibility and help the rest of us out?

Gary Yakesh reported that the county is concerned with reclamation not the process of mining. David LaGesse said a trucking company is going to have arrangements up front to have the roads bonded.

Brian Nodolf asked if our roads are substandard and are we going to address every industry that has trucking?

We have not had an application presented to the board.

We need facts about the mining operation in regard to the number of trucks, the kind of sand, and other concerns.

Glenn Stoddard, town's attorney, asked attorney Nodolf, are there any people in the township planning to apply for an application or permit or is this more speculative? As far as Brian Nodolf knows there are no plans for submitting the applications. Glenn Stoddard would like a copy of the reclamation plan. They will provide us with information with regard to the steps taken for applications. This information is important due to the time frames and all the questions that have been raised on both sides of this issue and should be presented to the town board as soon as possible.

Statement made that the attorney has stated it's not about the safety but not in my back yard, and no one tonight has said 'not in my back yard.' Resident doesn't mind as long as we are all willing to pay with the roads, if you are willing to pay, what's wrong with buying the permits and paying for the roads? Bond yourselves and why are you getting up in arms for?

Ron Fanetti made a comment thanking Loren Zwiefelhofer for the call he received from Loren Zwiefelhofer stating the people represented by Weld, Riley, Prenn & Ricci had nothing to do with the letter he received threatening a civil law suit, allegations were made to his honesty, and other insinuations.

Gary Yakesh made a motion to go into closed session pursuant to Wis. State Statute 19.83 & 19.85 (1) (g) to confer with legal counsel for the Town about pending litigation. David Clements seconded the motion. The motion carried 3-0.

Discussion in closed session was in regard to threatened litigation regarding the mining ordinance. David Clements made a motion to go into open session. Gary Yakesh seconded the motion. The motion carried 3-0.

David Clements made a motion to postpone agenda item 7-discussion and possible action on Section 2.08 of Chapter 19 Mining Ordinance-definition and clarification of David LaGesse's Mining operation and agenda item 8 notices of existing min/pit re. Section 2.08 Chapter 19 Mining Ordinance-Jeff Buchner, Glenn Sarauer to the next regular town meeting. Gary Yakesh seconded the motion. The motion carried 3-0.

David Clements made a motion to postpone items 3, 4, 5 that were tabled at the special town meeting on September 17, 2008. Gary Yakesh seconded the motion. The motion carried 3-0.

Gary Yakesh made a motion to place a three-month moratorium on mining operations. David Clements

seconded the motion. The motion carried 3-0.

CLERK'S REPORT:

- Estimated 2009 Shared Revenue for Town of Cooks Valley-\$46,912.00
- Copy of the 2009 Recycling Grant Application
- Formula for Exempt computer aid
- Fahrner Asphalt Sealers Five year outlook presentation Oct. 23, 2008
- General Transportation Aids Estimate for 2009-\$72,882.55
- Minutes of the September 29, 2008 semi-annual meeting
- Final Statement of Taxes for 2007
- Application to be placed in directory of International League of Cities-rejected
- Municipal Levy Limit Worksheet Town of Cooks Valley levy limit \$140,038.00
- Annual dues to Wisconsin Farm Bureau will be paid for 2009 but subsequent years will be billed to the Township with ranges of \$45-\$55 per year
- Isaac Schindler 2 driveway permits.
- Record of calls and letters to the Town Clerk

Sept 19th and 20th –requests by Melanie Triplett of Seigel. Brill, Greupner, Duffy & Foster for copies of the mining ordinance, application, and permit for a client who wants to do sand mine. Sept. 24th-request from Loren Zwiefelhofer for copies of the minutes from May 1st to the present and mining ordinance. Due to the fact these were for his lawyer, he was charged .25 per copy.

Sept. 25, Loren Zwiefelhofer picked of the copies he requested. Bridget M. Finke of Bakke-Norman called and requested the clerk ignore the letter she would be receiving about the open records law and send copies of the agenda form May 1st to the present. She wouldn't divulge who she was representing but had attended the Sept. 17, 2008 meeting after the clerk informed her that her last name was illegible.

Sept. 29- David LaGesse delivered a letter from his lawyer requesting he be placed on the agenda and the request and letter be sent to all board members. The clerk composed an agenda item which he signed and approved. The letter and request was mailed to the board members on Sept. 29, 2008 as requested.

Sept. 30- Upon receiving his letter, Ron Fanetti contacted the clerk and indicated that due to the sensitivity of this matter, the clerk should not have composed the agenda item and should contact David LaGesse concerning this matter. Sept. 30- called David LaGesse and informed him he should write the agenda item in his own words, sign it and return it to the clerk. On Sept. 30 pm-Dawn LaGesse called asking if we had a procedure in place for the placing of items on the agenda. The clerk informed her this procedure was discussed in the Public Comment in the Sept. 8 minutes. Dawn LaGesse had called the County Clerk and informed the clerk the town chairman is responsible for the agenda and all the clerk had to do was publish or post the agenda.

Oct.6- David LaGesse bought a letter from Vinopal Law Office requesting discussion on the issue of David LaGesse's non-metallic mine/pit at the Oct. 13 2008 meeting and be grandfathered in according to Section 2.08 of Chapter 19 in the Mining Ordinance. David agreed that the agenda item previously composed and posted says the same thing as in the letter and agreed to leave the item as posted.

Oct. 8- Sam LaGesse called to find out how to do a recall as he was unhappy about an agenda item and wanted to recall the entire town board. Because he wanted an immediate answer, the clerk referred him to the County Clerk. Fifteen minutes later, Loren Zwiefelhofer called to request an audit of the township and all the reports that we have. The clerk referred him to the County Clerk.

Oct. 9- Received a letter from Weld, Riley, Prenn, & Ricci enclosed with a per SS 893.80(1) a Notice of Claim and Claim on behalf of Loran Zwiefelhofer, Glenn Sarauer, Jeff Buchner, Donald Prill, Sam LaGesse, Bill Schindler, and Geraldine Robinson with respect to issues pertain to non-

metallic mining in the Town of Cooks Valley.

CHAIRMAN'S REPORT:

- Building permits-Lindsey Heidtke, Gary Yakesh, George Komanec, Loren Zwiefelhofer, Vernon Steinmetz, and Ron Fanetti.
- Place on the next regular town meeting agenda-discussion and possible action on a variance on a driveway on 148th/150th Avenue. We reconstructed driveways while doing the road. The driveway can not meet the specification of our ordinance as would possible have \$5000.00 invested to reslope the hill. Gary Yakesh would like to refine the building permit.

FUTURE AGENDA ITEMS AND BUSINESS:

- The next regular monthly town board meeting will be November 13, 2008 at 8:00 pm.
- Discussion and possible action on budget categories.
- Discussion and possible action on a variance on a driveway on 148th/150th Avenue

ADJOURN:

Gary Yakesh made a motion to adjourn the meeting at 10:57 p.m. David Clements seconded the motion. The motion carried 3-0.

Typed November 9, 2008

Respectfully submitted,

Approved Nov. 10, 2008

Victoria Trinko, town clerk

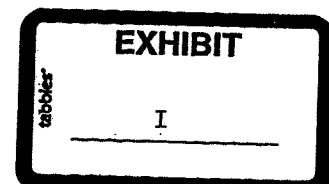
**Town of Cooks Valley
SPECIAL TOWN BOARD MEETING
November 5, 2008**

The Town of Cooks Valley town board will hold a special town meeting on Wednesday November 5, 2008 at the Cooks Valley Town Hall [15751 40th Street] at 8:00 pm. The public is invited to attend this meeting.

1. Call to Order
2. Public Comment: the Cooks Valley town board welcomes public comments on matters pertaining to township issues. Because it is important to maintain order during the meeting, it is the policy of the town board that all public comments on an issue shall be limited to three (3) minutes per person, no person may make more than one (1) comment per subject and the session is no more than thirty minutes long. (We apologize for the tight time restrictions. They are necessary to ensure that we complete our business). Comments may be made on any subject pertaining to township issues, however, comments on matters not appearing on this agenda can only be discussed but may not be acted on at this meeting. If the board desires, the matters may be placed on a future agenda for action. No debating between residents, comments should be addressed to the town board.
3. Discussion and action on possible changes to Chapter 19 Mining Ordinance
4. Discussion and action on possible changes to Mining Application
5. Discussion and action on possible changes to Mining Permit
6. Adjourn

Please take notice that during the meeting the Town Board may go into closed session, pursuant to Wis. Stat. §§ 19.83 & 19.85(1)(g), to confer with legal counsel for the Town who is rendering oral or written advice concerning strategy to be adopted by the Town Board with respect to litigation or potential litigation in which the Town is or is likely to become involved relative to the Town's existing mining ordinance, application, permit, and mining moratorium.

Posted: Cooks Valley Town Hall,
Valley Tavern,
Trout Creek Tavern,
Township Web Page at <http://www.bloomer.net/~cv1927>



**TOWN OF COOKS VALLEY
SPECIAL TOWN BOARD MEETING**

November 5, 2008



The Special Town Board meeting of the Town of Cooks Valley was called to order on November 5, 2008 at the Cooks Valley Town Hall located at 15751 40th Street at 8:00 pm by Chairman Ron Fanetti. Supervisors present were David Clements and Gary Yakesh. Other officials present were Eunice Steinmetz-treasurer and Victoria Trinko-clerk. Delegation present: See attached list.

Public Comment: Earl Hassemer presented the board with studies made on the effects of mining on the migration of rivers, on water systems, on water tables, generation of extra traffic, detrimental to property values due to braking of the trucks and rattling of windows with trucks passing the house located close to the road, ruination of vegetation and destruction of the soil. A couple of cases you could look at Chippewa County federal land on State Highway 124 where one can see the devastating effects over there and how Chippewa County addressed them. We are making laws here to protect the soil and how to clean it up after they are done. They have already destroyed their soil on the Dunn county farm which has been a sore spot for a couple of townships over there where they dumped all the animal wastes in the front of the old pits that Chippewa County has. So that's been a water problem and have had several tests on that and that has been a problem for the Town of Woodmohr and the Town of Bloomer. We don't want to be another one of those towns that has a problem with that and take care of some of the situations beforehand. He had brochures on sand mining facts and other sites after the mining is done and the sites have been abandoned. The permits we are talking about would address these problems and have some kind of reclamation plan in place when and if this is done 20 or 40 years from now. As a public concerned person he would like all this has to be looked at and look at all the facts before making decisions.

Erin Borofka asked, "Is there an environmental Impact study required?" Gary Yakesh replied an environmental impact study is generally required when there is an endangered species involved.

Glenn Stoddard- as a town, a town can require through its application process some analysis or information on issues you are concerned about,

Rudy Oblak- As he has looked at other townships around us, St. Croix has a good non-metallic mining ordinance which he had a copy that we can look at. He is not opposed to sand mines in Cooks Valley, would not say no to a resident having a sand mine and would not do a sand mine himself but felt we need to smartly have a look at the overall impact to the town and residents. In reading a survey done a year back it would appear based on those results the majority of the residents in Cooks Valley feel that way also. He had no issue with people making as much money as they can as long as it is not at his personal expense in relation to property values and risk to his family.

Erin Borofka-Who actually bonds the roads- a private party, is the landowner responsible for that bonding, how can you mandate a company to bond it when the landowner owns it?

Glenn Stoddard- Depending on what the ordinance would require and the town board would require for conditions, depending on how the ordinance turns and what the town board decides it is possible to put a condition on a permit, to address issues, roads, bonding-particularly town roads. If you are talking about a private access road on the land that has been released, that is not going to be bonded. The town has

EXHIBIT

tabler

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quite a lot of authority and could exercise that authority through the ordinance and the permitting process to protect the town roads, to provide security to make sure they are maintained if they are beaten up by heavy traffic.

Question-Can the Town state a dollar amount?

Glenn Stoddard- there are ways other than bonding - could put in a requirement that the road would be maintained, could secure that with bonding or a letter of credit. The town can do this but would depend on the ordinance as it is filed and the board in reviewing an application and seeing what they thought needed to be done in that situation.

Libby Quinn-she is supporting of the others with concerns for the valuation of property.

Barry Quinn-Concerning the hours of operation, he feels the hours of operation are too long.

Glenn Stoddard- that's another issue the board could address depending on the process with its specific applications and how they develop the ordinance. They could limit the hours. That is commonly done with regulating businesses through permits.

Wendy LaGessee- you regulate one set of trucks for one thing with this, are you going to regulate all the trucks? We have a lot of trucks on these roads, are you going to regulate them all?

Glenn Stoddard-this ordinance that is being discussed is specific to the non-metallic mining so at least in the terms it has been drafted so far the initial ordinance and the discussions the town is interested in having amendments. It would apply to a specific mining operation and the operations going in and out of that that would be what would be regulated. It would not be a general regulation on truck traffic per se.

Wendy LaGessee-Wouldn't this be considered discrimination?

Glenn Stoddard-No.

Wendy LaGessee-As a farmer, I can go out and about in my field for 24 hrs a day, be right next to my neighbor, with a loud combine, trucks running on the road, and that's okay.

Gary Yakesh commented that trucks were hauling chopped corn by his house 10 minutes a day for two days, and then they were done, it's not non-stop. With mining it would be every day all the time.

Farming is more seasonal and mining is not seasonal.

Mark Berge-The sand mining plant in Menomonie operates until 11:00 at night and it is very noisy. He would not appreciate these hours. It also is very dusty.

Erin Borofka-Are there provisions for dust?

The state regulates it somewhat.

Glenn Stoddard -It was my understanding that the purpose of tonight's meeting is to get this kind of input to the town board and then go over the existing ordinance and come up with a comprehensive amendment that would address the concerns of the town people that are here expressing. That is something the town board could incorporate.

Alan Schlaugat- in the Town of Howard they are going through their ordinance and discussing changes looking at limiting hours of operation, length of the permit-limiting any permit to one year-and to a renewal basis on a review, looking at dust, looking at it instead of a control ordinance as a nuisance ordinance [things that happen there would be considered a nuisance and regulate from that point of view rather impacting anything that would happen there at the hole, that would alleviate any county concerns. They plan to incorporate committees to get more community involvement.

Ron Fanetti- reviewed the tentative permit as to the contents ie. Hours of operation, distance from wells and structures, length of permits and reissued if conditions are met, follow county reclamation ordinance, covering trucks, testing of quality of wells close to the mine, performance bonds on roads, etc. All the information that is required on the permit. Application also has information required on it.

Jane Sonnentag-Do you have a set parameter for the testing of the wells in these areas? Have you also thought about doing testing of structure damage? They can cause damage up to two miles away-that's what I heard at the Howard meeting. If the mine company is found in violation of these agreements, will that immediately suspend the mining until they are taken care of and for what period of time?

Ron Fanetti-if the alternate is the permit is revoked.

Glenn Stoddard-it depends on what you put in the ordinance. feels the ordinance needs more details and to be fleshed out. The process here is to get input to address issues and language the town board feels comfortable with and address the concerns in a fair and reasonable way.

Jane Sonnetag-this should be hammered out in a little more detail. You can make all these stipulations but if it's not going to be enforced and if there is no ramifications for violating the stipulations, why have them? It would be just business as usual, why bother.

Glenn Stoddard -that is the way ordinances are written, so if there is a violation of a permit or terms of a permit, it can either be revoked or the town can require compliance through some sort of process that brings the company in compliance. He passed out copies of a draft of proposed changes to the mining ordinance. He talked about the letter the County Administrator had written taking exception to the town's ordinance and asserting that the Town of Cooks Valley and the Town of Howard mining ordinance was improperly adopted and is a zoning ordinance that is beyond the authority of the town to adopt because the county has county zoning. This letter was written to Chairman Fanetti and Chairman Schindler in the Town of Howard because both towns have identical ordinances. Glenn Stoddard talked with Attorney Steve Gibbs about this, who represents the Town of Howard. He did additional research on the issues, read the letter from the City Administrator and the draft of a letter he recommended to send to the County Administrator with an attached unpublished decision from the Court of Appeals. He had a copy of the letter attorney Gibbs was sending to the County Administrator on behalf of the Town of Howard. He looked at the argument made by the County Administrator, who he felt had input from the corporation council. And apparently the County Administrator had read a copy of Glenn Stoddard's letter to the Weld, Riley firm. The County Administrator took exception to Glenn Stoddard's analysis in that letter. Glenn Stoddard feels the letter he wrote to Weld, Riley, in response to the claim was correct. As a town having village powers we have the authority to enact ordinances, power to regulate for the general public safety, health and general welfare and as long as it is reasonable we as a town can exercise that authority without going through county zoning. We have broader police power to regulate license for dogs, require setbacks, and building permits. We could go through zoning, which is setting up districts, but it is not as detailed as we would need for a specific business. He read his draft to Mr. Reynolds to the public. Unless a court of laws tells us differently, the town will continue to enforce the ordinance. He read a letter from Brian Nodolf of Weld, Riley concerning Loren Zwiefelhofer property and a letter from Jeffrey Buchner. The letter from Attorney Thiel and Nodolf is referring to an existing mining operation and the ordinance is invalid. They are requesting a response from us and if they do not hear from us they assume we agree with their position. He says their assertion if we don't answer is meaningless and they are trying to corner us to a reply. The intent of the ordinance is if there is something out there in existence (a small farm pit) they are not subject to the requirements under the ordinance but if they expand an existing operation into a commercial operation and something that would meet the definition of a new operation; they would require a permit and come under the ordinance. As a matter of law, generally under these kinds of ordinances and zoning ordinances are Non-conforming uses which are preexisting uses in businesses or developments, in this case you are talking about mines. And those kinds of uses have vested rights to continue unless they are causing a nuisance or health or safety problem that could be regulated strictly on that basis you can not require them to come back through a permitting process and shut them down. But if they try to expand in any way that falls under the ordinance then you can require them to go through the permitting process. Glenn Stoddard went through the proposed changes, added words, and omitted words to the mining ordinance. The changes include words from the draft that Gary Yakesh had sent to Glenn Stoddard. Gary Yakesh explained the proposed removal of the word 'Metallic' from the name of the ordinance was due the amount of paper work required for a metallic mine at the state and county level that we would not need paper work at the local level. Glenn Stoddard added state statutes to make clear this is not a zoning ordinance but strictly a police power ordinance. An application form, which needs to be approved as well, would be an appendix to the mining ordinance and be provided by the town clerk to anyone interested in applying. Glenn Stoddard read the addition to the exceptions provision submitted by Gary Yakesh and additions proposed by him. The town should not go beyond the boundaries of the

ordinance in regards to economics or competition with the mine. The permit read by Ron Fanetti could be used as a guide and not adopted but modify it depending on the specific proposal. The town board will need to revise and adopt the application form along with the proposed changes to the ordinance. Gary Yakesh read the letter he had written to the plan commission on September 22, 2008 regarding the reason for section 2.08 in the mining ordinance.

Jane Sonnetag requested that he reread the enforcement of violations and will mining be suspended if violations are discovered. There was discussion if the dollar amounts were enough to deter violations. In the permit there would be conditions on a case by case basis, where the town board would sit down with the applicant to work out language in the permit that the applicant could comply with and the town would be satisfied with to protect the public. This is where you would put all the conditions in the permit to be complied with and not to put all this in the ordinance would be overkill and limit the flexibility to the town board in dealing with the applicant.

Allan Schlaugat- Why do we not require approval of permits and reclamation plan before coming to the town board for an application? Glenn Stoddard felt it is important to encourage the applicant to approach the town early on in the process and be aware of what the concerns are of the town and plan commission as the town is the most directly affected thereby averting litigation and cost. After discovering the concerns the applicant could go out and get the permits and avert money spent to get the permit and then have the town reject the permit. This is to be proactive from the town's standpoint and conscious of the applicant's expense. If an ordinance is overly restrictive it becomes a ban. The town should make clear the ordinance is not a ban but to regulate.

Erin Borofka asked about water and wells to get tested. It was felt this would be addressed in the permit.

David Clements made a motion that Glenn Stoddard should respond to the letters the township has received. Gary Yakesh seconded the motion. The motion carried 3-0.

There was discussion on posting and publication of the proposed changes to Chapter 19 Mining Ordinance with the public hearing and a town board meeting to follow on November 20, 2008.

Ron Fanetti reviewed the items on the application form. Gary Yakesh suggested adding 'expected maximum depth of the mine _____ feet with a benchmark ie. ground cover, sea level, road elevation'. There was discussion on explosive usage in mining.

Glenn Stoddard explained the application process. At the time of the permit, the town can put in conditions to refine the permit to address the specific problems related to specific projects. The changes to the permits should be fluid with each with each application. There was a question of someone bringing something undesirable back into the pit after it has been dug. There was the example of the Town Of Bloomer where the county brought in deer carcasses into the town and burying them.

Ron Fanetti made a motion to adjourn the meeting at 9:30 pm. David Clements seconded the motion. The motion passed 3-0.

Respectfully Submitted

Draft: 11-29-08

Approved:

Victoria Trinko
Town Clerk

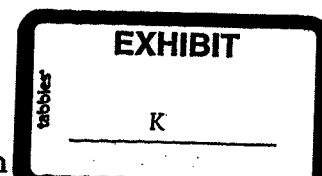
**Town of Cooks Valley
SPECIAL TOWN BOARD MEETING
December 17, 2008**

The Town of Cooks Valley town board will hold a special town board meeting on Wednesday December 17, 2008 at the Cooks Valley Town Hall [15751 40th Street] immediately following the public hearing scheduled at 7:30 pm. The public is invited to attend this meeting.

- 1. Call to Order**
- 2. Public Comment: the Cooks Valley town board welcomes public comments on matters pertaining to township issues. Because it is important to maintain order during the meeting, it is the policy of the town board that all public comments on an issue shall be limited to three (3) minutes per person, no person may make more than one (1) comment per subject and the session is no more than thirty minutes long. (We apologize for the tight time restrictions. They are necessary to ensure that we complete our business). Comments may be made on any subject pertaining to township issues, however, comments on matters not appearing on this agenda can only be discussed but may not be acted on at this meeting. If the board desires, the matters may be placed on a future agenda for action. No debating between residents, comments should be addressed to the town board.**
- 3. Approval of the minutes of the November 5, 2008 special meeting**
- 4. Discussion and action on possible changes to Chapter 19 Mining Ordinance**
- 5. Discussion and action on possible changes to Mining Application**
- 6. Discussion and action on possible changes to Mining Permit**
- 7. Adjourn**

Please take notice that during the meeting the Town Board may go into closed session, pursuant to Wis. Stat. §§ 19.83 & 19.85(1)(g), to confer with legal counsel for the Town who is rendering oral or written advice concerning strategy to be adopted by the Town Board with respect to litigation or potential litigation in which the Town is or is likely to become involved relative to the Town's existing mining ordinance, application, permit, and mining moratorium.

**Posted:
Cooks Valley Town Hall,
Valley Tavern,
Trout Creek Tavern,
Township Web Page at <http://www.bloomer.net/~cv1927>**



**TOWN OF COOKS VALLEY
SPECIAL TOWN BOARD MEETING**

December 17, 2008

The Special Town Board meeting of the Town of Cooks Valley was called to order on December 17, 2008 at the Cooks Valley Town Hall located at 15751 40th Street at 8:28 pm by Chairman Ron Fanetti. Supervisors present were David Clements and Gary Yakesh. Other officials present were Eunice Steinmetz-treasurer and Victoria Trinko-clerk. Delegation present: See attached list.

Public Comment: There was no public comment.

Gary Yakesh made a motion to approve and place on file the minutes of the November 5, 2008 special town board meeting. David Clements seconded the motion. The motion carried 3-0.

There was discussion of adding to the Chapter 19 Non-metallic Mining Ordinance on page 3 paragraph 7 "restrictions on truck routes on town roads" and in section 2.09 Enforcement and Penalties adding "The town board or its designee may inspect the mine site at any time for purposes of monitoring and enforcement of this ordinance. There were comments concerning notification of the mine owners prior to inspection. The inspection will be at the discretion of the town board or its designee. Gary Yakesh made a motion to approve the changes, as explained by Glenn Stoddard [addition on page 3 paragraph 7- 'restrictions on truck routes on town roads' and to section 2.09- 'the town board or its designee may inspect the mine site at any time for purposes of monitoring and enforcement of this ordinance' to the Chapter 19 Non-Metallic Mining Ordinance. David Clements seconded the motion. The motion carried 3-0.

Glenn Stoddard explained the mining application would be Appendix A of the Chapter 19 Non-Metallic Mining ordinance and discussion from the public hearing indicated the need for elimination of the requirement of a Federal ID #and State ID #. David Clements made a motion to accept the application form as Appendix A with the deletion of the Federal ID # and the State ID #. Gary Yakesh seconded the motion. The motion carried 3-0.

Gary Yakesh made a motion to approve the changes to the sample mining permit form Appendix A of the Chapter 19 Non-Metallic Mining Ordinance. David Clements seconded the motion. The motion carried 3-0.

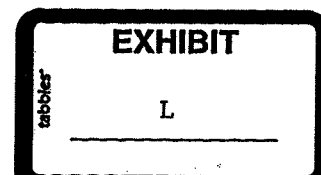
Ron Fanetti made a motion to adjourn the meeting at 8:38 pm. Gary Yakesh seconded the motion. The motion passed 3-0.

Respectfully Submitted

Draft: 01-06-09

Approved: January 12, 2009

Victoria Trinko
Town Clerk



*** Proposed Changes ***
(Draft Prepared by Attorney Glenn M. Stoddard)

TOWN OF COOKS VALLEY
CHAPTER 19
NONMETALLIC MINING ORDINANCE

SECTION 2.01 PREAMBLE

The purpose of this subchapter is to promote the health, safety, prosperity, aesthetics and general welfare of the people and communities within the Town and set forth the rules and procedures for this municipality regarding ~~metallic~~ and nonmetallic mines within the Town. This ordinance is adopted pursuant to the Town's village and police powers under Wis. Stat. §§ 60.10(2)(c) & 61.34.

SECTION 2.02 INTENT

The general intent of this subchapter is to regulate the location, construction, installation, alteration, design, operation and use of all ~~metallic~~ and nonmetallic mines so as to protect the health of residents and transients; secure safety from disease and pestilence; further the appropriate use and conservation of land and water resources; preserve and promote the administration and enforcement of this subchapter and provide penalties for its violations.

SECTION 2.03 INTERPRETATION

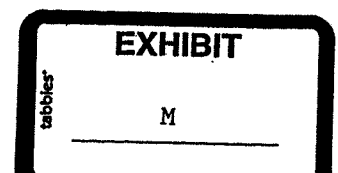
In their interpretation and application, the provisions of this subchapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

SECTION 2.04 DEFINITIONS

(1) *Metallic Mining* or *Mining* means operations or activities for the commercial extraction from the earth of merchantable metallic minerals or the exploration or prospecting for such minerals and includes operations, processes or activities related to that extraction.

(2) *Nonmetallic mining* and *mining* mean all of the following:

- a. Operations or activities at a nonmetallic mining site ~~of more than one acre~~ for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
- b. Processes carried out at a nonmetallic mining site that is related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic



mining site. These processes include, but are not limited to, stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

SECTION 2.05 METALLIC OR NONMETALLIC MINING.

- (1) ~~Metallie and n~~Nonmetallic mining in the Town shall be of any form are allowed only as provided for in this ~~ordinance, section.~~
- (2) The applicant shall apply for a Town permit for a ~~a metallie or~~ nonmetallic mine prior to ~~the starting of work on any~~ mining structure or facility and prior to operating any nonmetallic mine in the Town. The application shall be submitted on a form provided to the applicant by the Town Clerk, a copy of which is attached hereto as Appendix A. obtaining Federal, State, County and DNR permits required under applicable Wisconsin statutes or administrative codes.
- (3) The Town Board shall be the sole determining body of whether to issue the permit, after review and recommendation by the Town Plan Commission, and after a public hearing has been held by the Town Board, with notice given by US Mail to all adjoining landowners to the proposed metallie or nonmetallic mine. The Town Board shall grant the permit, either with or without conditions, if it is determined that the metallie or development and operation of the nonmetallic mine is in the best interests of the citizens of the Town, and will be consistent with the protection of public health, safety and general welfare.
- (4) The Town permit shall be void ~~for such metallie or nonmetallie mines unless if the applicant permittee has obtained all~~ violates any conditions of the permit or any conditions of any required Federal, State, or County permits. Wisconsin statutes or administrative codes prior to the start of work on any structure or facility.

SECTION 2.06 PROCEDURES

- (1) The applicant shall complete a Town of Cooks Valley Nonmetallic Mining Permit Application (Appendix A) and pay the ~~relevant~~ required application fee.
- (2) After receiving the application and the application fee, the Town Clerk shall mail a copy of the application to all adjoining landowners to the proposed nonmetallic mining site with the date and time of the next Town Plan Commission Meeting. ~~and Town Board Meeting where the Town Board shall have a public hearing with public comment on the proposed mine.~~
- (3) The Clerk shall then place the application on the agenda for the next Town Plan Commission meeting. ~~and the agenda for the next Town Board Meeting.~~
- (4) The Plan Commission shall review and consider the application and make a recommendation to the Town board. After a decision has been rendered by the Plan Commission, the application shall be placed on the agenda of the Town board for a public hearing and decision.
- (5) At the public hearing held by the Town board, the Town board shall ~~Town Board Meeting[s](or multiple meetings as needed), the Board shall~~ consider the recommendation of the Plan Commission and take public comment on the proposed mine, prior to deciding whether the mine meets the requirements of all State, County and DNR requirements Before making a decision on the application, the Town board shall determine whether the

application is complete, and whether the applicant has applied for or received any required Federal, State, and County permits for the proposed mine.

(6) The Town Board shall grant the permit, either with or without conditions, if it is determined that the development and operation of the nonmetallic mine is in the best interests of the citizens of the Town, and will be consistent with the protection of public health, safety and general welfare.

(7) The Town board may conditionally approve the permit and may attach conditions to protect public health and safety and promote the general welfare of the Town. Such conditions may include, but are not limited to, restrictive provisions and proof of financial security for reclamation, restrictive provisions and proof of financial security for town road maintenance and repair, restrictions on hours of operation, restrictions on truck and traffic volume into and out of the mine site, restrictions to protect groundwater quantity and quality, restrictions to safeguard public and private drinking and agricultural wells, restrictions to control air emissions and dust from the mine and its operations, and any other restrictions deemed necessary or appropriate by the Town board to protect public health and safety and promote the general welfare of the Town and its citizens.

~~(6) All required fees shall be paid prior to the Town Hearing on the issuance of the Town permit. All fees are nonrefundable.~~

~~(7) Procedures will be in place for bonding for reclamation as outlined in the county and bonding for road restoration~~

~~(8) Prior to starting any mining operations, all wells within a ¼ mile of the mine boundary (present and future) will be tested to establish a baseline water quality sample. This testing shall be paid for by the mining applicant and a copy of the results shall be given to the well owner as well as kept on file with the mining entity.~~

SECTION 2.07 EFFECTIVE DATE

This ordinance shall take effect upon passage and publication.

SECTION 2.08 EXCEPTIONS FROM ORDINANCE

~~Nonmetallic mines that are in operation at the time this ordinance is adopted are not subject to the TOWN OF COOKS VALLEY permitting process AS STATED IN THIS ORDINANCE.~~

A nonmetallic mining permit is not required from the Town of Cooks Valley for nonmetallic mines in existence prior to the effective date of this ordinance or for the activities listed in Wis. Admin Code § NR 135.02(3). However, if a pre-existing nonmetallic mine is expanded after the effective date of this ordinance in a manner that requires a nonmetallic mining reclamation permit from Chippewa County, the expansion shall be subject to the permitting requirements of this ordinance.

SECTION 2.09 ENFORCEMENT AND PENALTIES.

Any violation of this ordinance shall be punishable by a forfeiture of not less than \$100 nor more than \$500 \$2000 per day for every day in violation of this ordinance, plus the costs of

prosecution for each and every violation. The Town's Attorney shall expeditiously prosecute all such violators. Each day of violation shall constitute a separate offense.

Dated this _____ Day of _____ 2008 draft presented to be posted 14 days prior to presented to the board.

The Town of Cooks Valley Clerk shall properly post or publish this ordinance as required under Wis. Stat. § 60.80. Wisconsin Statutes

Adopted this _____ day of _____ 20_____.

Signatures for the Town Board

Chairman _____

Supervisor _____

Supervisor _____

Attest:
Town Clerk _____

Document Number

590683

WARRANTY DEED

Marge L. Geissler

THIS DEED, made between Bernard J. Zwiefelhofer and Agnes C. Zwiefelhofer, husband and wife, Grantors and Loran Zwiefelhofer, Grantee,

'99 MAR 17 PM 2 11

MARGE L. GEISSLER
REGISTER OF DEEDS
CHIPPEWA COUNTY WI

Witnesseth, That the said Grantors, for a valuable consideration of one dollar and other valuable consideration convey to Grantee the following described real estate (the Property) in Chippewa County, State of Wisconsin:

Return To:

Gregory P. Dowling
P.O. Box 65
Bloomer, WI 54724 10⁰⁰ *PL*

The North Half of the Southwest Quarter (N $\frac{1}{2}$ -SW $\frac{1}{4}$) and the South Half of the Northwest Quarter (S $\frac{1}{2}$ -NW $\frac{1}{4}$) of Section 28, Township 30 North, Range 10 West.

TAX PARCEL NUMBER: #15256
23010-2831-0000-0000
23010-2832-0000-0000
23010-2823-0000-0000
23010-2824-0000-0000

This deed is given in satisfaction of that certain land contract dated the 7th day of January, 1991 and recorded January 10, 1991 in the Office of the Chippewa County Register of Deeds in Volume 679 of Records on Pages 357-358 as Document Number 494050.

This is homestead property.

Together with all and singular the hereditaments and appurtenances thereunto belonging, And Bernard J. Zwiefelhofer and Agnes C. Zwiefelhofer warrant that the title is good, indefeasible in fee simple and clear of encumbrances except easements and restrictions of record and will warrant and defend the same.

Dated this 8th day of March, 1999.

TRANSFER
FEE
\$ 390.00

Bernard J. Zwiefelhofer (SEAL)
Bernard J. Zwiefelhofer

Agnes C. Zwiefelhofer (SEAL)
Agnes C. Zwiefelhofer

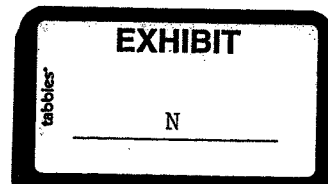
ACKNOWLEDGEMENT

STATE OF WISCONSIN }
CHIPPEWA COUNTY } ss

Personally came before me this 8th day of March, 1999 the above named Bernard J. Zwiefelhofer and Agnes C. Zwiefelhofer to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Sharon M. Dowling
* SHARON M. DOWLING
Notary Public, Chippewa County, WI
My commission is permanent,
not, expiration date 3-1-2000

Drafted by:
Gregory P. Dowling
P.O. Box 65
Bloomer, WI 54724



546908

INDEXED _____

WARRANTY DEED

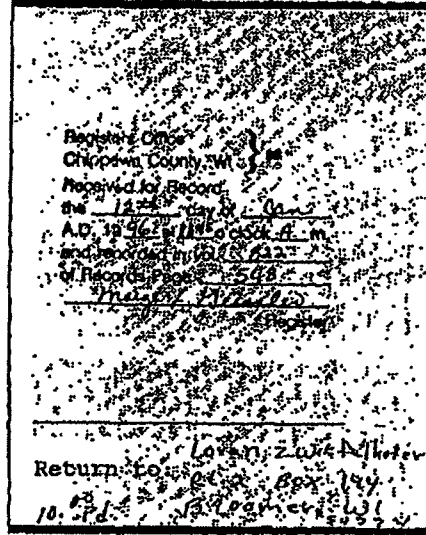
Document Number

Robert J. Yakesh, an unmarried person _____, Grantors, convey and warrant to Loran B. Zwiefelhofer _____

grantee, the following described real estate in Chippewa County, State of Wisconsin:

The NW 1/4 - SE 1/4 of Section 28, Township 30 North, Range 10 West, and

The NE 1/4 of the SE 1/4 of Section 28, Township 30 North, Range 10 West, Except a parcel of land described as follows: Beginning at the SE corner of said NE 1/4 of the SE 1/4 and proceeding North along the East line of said tract to the NE corner thereof; thence West along the North line thereof 1162 feet, more or less, to a steel fence post; thence south parallel to the East line of said tract to the South line thereof and a steel fence post; thence East on said South line 1162 feet, more or less, to the point of beginning; together with a perpetual easement for ingress and egress over and across the North two rods of the above excepted parcel.



Parcel Number: #23010-2841-0400-0000 & #23010-2842-0000-0000

FEE EXEMPT.

This is not homestead property.

17

Exceptions to warranties: easements, restrictions and reservations of record and zoning ordinances.

Dated this 10 day of January, 1996.

_____(SEAL) * _____ (SEAL) * Robert J. Yakesh (SEAL) * Robert J. Yakesh _____ (SEAL) * _____ (SEAL) *

AUTHENTICATION

Signature(s) _____ authenticated this _____ day of _____, 1996.

MEMBER STATE BAR OF WISCONSIN

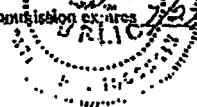
This instrument drafted by: MCKINLEY & ANDERSON Timothy J. Anderson. State Bar #1020147 821 N. Bridge St. Chippewa Falls, WI 54729

ACKNOWLEDGMENT

STATE OF WISCONSIN) Personally came before me this 10 day of January, 1996 the above named Robert J. Yakesh

to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public, Chippewa County, WI My Commission Expires 7/2/97



583892

Re-recorded Warranty Deed

Marge L. Geissler

DOCUMENT NUMBER

DOCUMENT TITLE

'98 OCT 20 PM 12 05

MARGE L. GEISSLER
REGISTER OF DEEDS
CHIPPEWA COUNTY WI

Recording Area

Name and Return Address

M. L. Geissler

12. Rd #1636

23010-2944-0002-0000 &
23010-2941-0000-0000 &
23010-2942-0000-0000 &
23010-2943-0000-0000

Parcel Identification Number (PIN)

This deed is being re-recorded to insert the date of the Notary.

FEE
EXEMPT

#3

583692

582521

STATE BAR OF WISCONSIN FORM 2 - 1982
WARRANTY DEED

DOCUMENT NO.

Marge L. Geissler

Bernard J. Zwiefelhofer and Agnes C. Zwiefelhofer,
husband and wife

conveys and warrants to Loran Zwiefelhofer, a single person

'98 SEP 23 AM 11 14

MARGE L. GEISLER
REGISTER OF DEEDS
CHIPPEWA COUNTY WI

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

PEOPLES STATE BANK
1401 Main Street
PO Box 86
Bloomer, WI 54724

PA #10.00 #244222

23010-2944-0002-0000 &
23010-2941-0000-0000 &
PARCEL IDENTIFICATION NUMBER
23010-2942-0000-0000 &
23010-2943-0000-0000

the following described real estate in Chippewa County,
State of Wisconsin:

TRANSFER
FEE

\$385.26

The Northeast Quarter of the Southeast Quarter;
The Northwest Quarter of the Southeast Quarter;
The Southwest Quarter of the Southeast Quarter;
The Southeast Quarter of the Southeast Quarter
EXCEPTING therefrom the South 656 feet of the East 560 feet;
All in Section 29, Township 30 North, Range 10 West.

The parties agree that the allocation of the selling price shall be:

Land ----- \$ 100,000.00
Buildings ----- 28,400.00
Total ----- \$ 128,400.00

This is not homestead property.
(is) (is not)

Exception to warranties: Easements and reservations of record; local and state zoning
ordinances and roadways.

Dated this 21 day of September, A.D., 1998

* (SEAL) Bernard J. Zwiefelhofer (SEAL)
* Bernard J. Zwiefelhofer

* (SEAL) Agnes C. Zwiefelhofer (SEAL)
* Agnes C. Zwiefelhofer

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____

State of Wisconsin,

authenticated this _____ day of _____, 19____

Chippewa County
Personally came before me this 23 day of
September
Bernard J. Zwiefelhofer and Agnes C. Zwiefelhofer, husband and wife

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by §706.06, Wis. Stats.)

to me known to be the person(s) who executed the foregoing
instrument and acknowledge the same.

THIS INSTRUMENT WAS DRAFTED BY

Richard J. Kostner, Attorney

Albin E. Borgeson

1102 17th Ave., Bloomer, WI 54724

Notary Public, Chippewa County, Wis.

(Signatures may be authenticated or acknowledged. Both are not
necessary.)

My commission is permanent. (If not, state expiration date:
September 23, 1901.)

* Names of persons signing in any capacity should be typed or printed below their signatures.

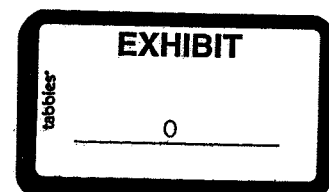
**Town of Cooks Valley
REGULAR TOWN BOARD MEETING
August 11, 2008**

The Town of Cooks Valley town board will hold its regular town meeting on Monday August 11, 2008 at the Cooks Valley Town Hall [15751 40th Street] at 8:00 pm. The public is invited to attend this meeting.

Agenda

- 1. Call to Order**
- 2. Public Comment**
- 3. Approval of the minutes of the July 14, 2008 regular meeting and minutes of July 14, 2008 public hearing**
- 4. Approval of the August financial report**
- 5. Reading and approval of the July bills**
- 6. Discussion and possible action on budget categories**
- 7. Discussion and possible action on bids for shouldering on 148th/150th Avenue.**
- 8. Discussion and possible action on Waste Management contract**
- 9. Discussion and possible action on variance for deck for Dave Michels**
- 10. Discussion and recording of existing pits in the township**
- 11. Public Comment**
- 12. Clerk's Report**
- 13. Chairman's Report**
- 14. Future agenda items and business**
- 15. Adjourn**

**Posted: Cooks Valley Town Hall
Valley Tavern
Trout Creek Tavern,
Township Web Page at <http://www.bloomer.net/~cv1927>**



Town of Cooks Valley
Regular Town Board Meeting

August 11, 2008

Chairman Ron Fanetti called the meeting to order on August 11, 2008 at 8:00 pm. The supervisors present were: David Clements and Gary Yakesh. Delegation present were: Victoria Trinko-clerk, Eunice Steinmetz-treasurer, Glenn Sarauer, Vernon Steinmetz, Chad Arendt, Loren Zwiefelhofer and David LaGesse.

PUBLIC COMMENT: Vernon Steinmetz hauled blacktop to Doris Prince's and will haul in more blacktop the next week. Chad Arendt, representative for Badger State, would like to have information on the township's waste disposal and recycling. There was discussion on the stipulation that two townships must be in cooperation to receive recycling aid. We are not under contract for tin cans or steel. We are under contract with Waste Management at the present time as a signed contract has been sent in. The Chairman will contact Barry Nelson about the signed contract. The Chairman is to contact Bruce Durand at Badger State for more information. Gary Yakesh made a motion to accept and place on file the minutes of the July 14, 2008 regular meeting and the public hearing minutes of July 14, 2008. David Clements seconded the motion. The motion carried 3-0.

David Clements made a motion to approve the August financial report. Gary Yakesh seconded the motion. The motion carried 3-0.

Gary Yakesh made a motion to approve the payment of the July bills. David Clements seconded the motion. The motion carried 3-0.

David Clements made a motion to move \$9000.00 from category W-051 Non-Allocated funds to F-190 Professional fees. Gary Yakesh seconded the motion. The motion carried 3-0.

There was discussion on the roadwork on 148th/150th Avenue in relation to shouldering. The township has two choices: One-put out for bids or Two-use on of the original estimates from Chippewa County Highway Dept. of \$5265.00. The Chairman will call Chippewa County Highway Dept. to determine if they will honor the estimate within \$500.00 then the township will go with Chippewa County Highway Dept. If they do not honor the estimate the township will put out bids. The Chairman will contact the clerk to publish bids in the Bloomer Advance. Next week they will be grinding or gravelling on 148th/150th Avenue.

The signed contract was returned to Waste Management.

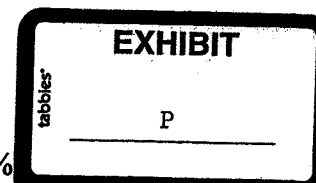
Ron Fanetti made a motion to grant the variance for a deck on Dave Michel's house to 95 feet from of the road depending on the submission of a drawing of the plan for the construction of the deck. Gary Yakesh seconded the motion. The motion carried 3-0.

There was a public recording of existing pits in the following locations in the township: Mark Clements, Brad Rihn-2, Loren Zwiefelhofer-2, Sam LaGesse, and David LaGesse. Pit permit fees are dependent upon the size of the pit.

PUBLIC COMMENT: There was no public comment.

CLERK'S REPORT:

- The estimated census of the Town of Cooks Valley is 699.
- Dissemination of DOA Local Government Report
- Plan Commission agenda items: discussion and action of Certified Survey maps, discussion and action on in-home business of Barry & Libby Quinn, discussion and action of request for a mining permit by Loren Zwiefelhofer.
- Informational workshops from the Dept. of Administration
- Certified Survey Map-Bob Yakesh



- Humane Officer Training September 22-26, 2008 in Madison
- Exempt Computer Aid of \$1.00

CHAIRMAN'S REPORT:

- We will have a cash flow problem in Nov.-Dec with a cash outflow of \$143,000.00 there was a discussion of bills that will come due and the inflow of transportation aids, shared revenue, and tax money.
- Discussion of background of road improvements and the road committee evaluation report since 1991. Discussion of work done on 148th/150th Avenue was done in 1981, 1984, discussion of the 7 miles of road done 9 years ago. Cost has gone up each year. Hopefully, 148th/150th will be the last road to do with major reconstruction. Discussion of ditching on various roads.
- Total recycling aid was \$3566.00

FUTURE AGENDA ITEMS AND BUSINESS:

- The next regular monthly town board meeting will be September 8, 2008 at 8:00 pm.
- Discussion and possible action on budget categories.
- Discussion and possible action on bids for shouldering on 148th/150th Avenue dependent on Chippewa County Highway Dept. estimate
- Discussion and possible action on operator license application

ADJOURN:

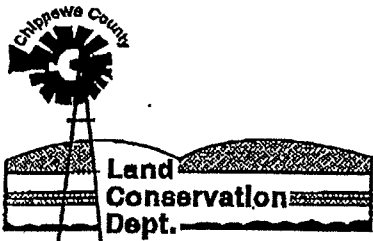
Gary Yakesh made a motion to adjourn the meeting at 8:55 p.m. David Clements seconded the motion. The motion carried 3-0.

Typed August 17, 2008

Respectfully submitted,

Approved September 8, 3008

Victoria Trinko, town clerk



(715) 726-4589 Fax 711 N. Bridge St.
(715) 726-7920 Chippewa Falls, WI 54729-1876

RECEIPT

September 26, 2008

TO: Loren Zwiefelhofer
14411 Cty Hwy DD
Bloomer, WI 54724

AMOUNT PAID: \$1,335.00 (Check #5845)

RECEIVED: September 26, 2008

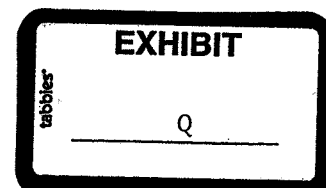
Nonmetallic mining reclamation permit application and plan review fees - 2008.

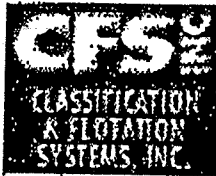
The site location and permit information is as follows:

<u>Permit #</u>	<u>Location</u>
2008-04	23010-2941-00000000
	23010-2942-00000000
	23010-2943-00000000
	23010-2944-00020000

If you have any questions, please contact Joan Schemenauer, Office Administrator, at 715-726-7920.

HAADMINSEC\GRAVLPIT\Permits\2008\RECEIPT fee.wpd





4100 Baldwin Road
 Holly, MI. 48442
 Phone: 800-666-0154
 Fax: (810)-606-0335

CFS LAB REPORT

Date: 10/14/2008

Customer: Zwiefel

Sample: NE

Feed: B

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4100 Baldwin Road
 Holly, Mi. 48442
 Phone: 800-666-0154
 Fax: (810)-606-0335

CFS LAB REPORT

Date: 10/14/2008

Customer: Zwiefel

Sample: NE

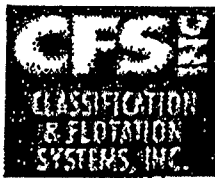
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

FM Calculation

Comments: [REDACTED]



4100 Baldwin Road
 Holly, MI. 48442
 Phone: 800-666-0154
 Fax: (810)-606-0335

CFS LAB REPORT

Date: 10/14/2008

Customer: Zwiefel

Sample: NW Feed: _____

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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	-	-	-
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

FM Calculation

Comments: _____

18. As the validity and enforceability of the Town's non-metallic mining ordinance has not been adjudicated, the third parties are unwilling to enter into contracts with Zwiefelhofer. This has resulted in substantial losses to Zwiefelhofer.

19. Zwiefelhofer is in the process of finalizing and receiving his reclamation permit from the Chippewa County Land Conservation Department allowing a non-metallic mining site not to exceed twenty (20) acres. Zwiefelhofer filed his non-metallic mining reclamation permit application on September 26, 2008. A copy of the application receipt is attached hereto as Exhibit Q. To date, Zwiefelhofer has spent \$1,335.00 on the reclamation permit application process.

20. Zwiefelhofer has engaged in non-metallic mining subsurface testing. Copies of certain lab reports performed by Classification & Flotation Systems, Inc. are attached hereto as Exhibit R. The specific test results are confidential and are therefore redacted in order to maintain said confidentiality. The cost of testing was paid for by a third party interested in entering into a contract with Zwiefelhofer.

Schindler

21. Schindler is a landowner in the Town who has engaged in non-metallic mining in the past and desires to continue engaging in expanded non-metallic mining on his property. A copy of Schindler's deeds are attached hereto as Exhibit S.

22. Schindler's property contains a non-metallic mining pit which has been in existence for over thirty years.

DOCUMENT NO.

473190

STATE BAR OF WISCONSIN FORM 3 - 1982
QUIT CLAIM DEED

INDEXED _____

THIS SPACE RESERVED FOR RECORDING DATA

Registers Office } ss.
Chippewa County, WI

Received for Record
the 15 day of June
A.D. 1988 at 9:30 o'clock A. m.
and recorded in vol 631
of Records Page 111

By Patricia M. Roycraft Register
Jarvis M. Nebert Deputy

William I. Schindler and Rose T. Schindler, his
wife,
quit-claims to William Schindler, III
the following described real estate in Chippewa County,
State of Wisconsin:

RETURN TO

Patricia M. Roycraft

Tax Parcel No: _____

The South Half of the Northwest Quarter of the Southeast Quarter (S $\frac{1}{2}$ -NW $\frac{1}{4}$ -SE $\frac{1}{4}$);
The South Half of the Northeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ -NE $\frac{1}{4}$ -SE $\frac{1}{4}$);
and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ -SE $\frac{1}{4}$); all in Section
20 Township 30 North of Range 10 West.

FEE
EXEMPT
8

This is not homestead property.
(is) (is not)

Dated this 13th day of June, 1988

..... (SEAL)

..... (SEAL)

William I. Schindler (SEAL)

• William I. Schindler

Rose T. Schindler (SEAL)

• Rose T. Schindler

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____, 19____

* TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

KOSTNER AND KOSTNER

1102 - 17th Avenue

Bloomer, Wisconsin 54724

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

..... Chippewa County, } ss.

Personally came before me this 13th day of June, 1988 the above named

William I. Schindler and Rose T. Schindler, his wife,

to me known to be the person who executed the foregoing instrument and acknowledge the same.

* Patricia Ellison

Notary Public, Chippewa County, Wis.

My Commission is permanent. (If not, state expiration date: July 15, 1990.)



Recorded
JAN. 08, 2007 AT 01:56PM

STATE BAR OF WISCONSIN FORM 2 - 1998
WARRANTY DEED

Document Number

This Deed, made between William J. Schindler a/k/a William J. Schindler, Jr. and Rose T. Schindler, husband and wife Grantor, and William J. Schindler, III Grantee.

Grantor, for a valuable consideration, conveys and warrants to Grantee the following described real estate in Chippewa County, State of Wisconsin:

The Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼);
The Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼);
Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼),
ALL IN Section 29, Township 30 North, Range 10 West, TOWN OF
COOKS VALLEY, Chippewa County, Wisconsin.

AND

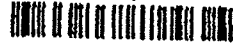
The Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼);
The Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼),
ALL IN Section 21, Township 30 North, Range 10 West, TOWN OF
COOKS VALLEY, Chippewa County, Wisconsin.

AND

The Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section
20, Township 30 North, Range 10 West, TOWN OF COOKS VALLEY,
Chippewa County, Wisconsin.

Marge L. Geissler

MARGE L. GEISLER
REGISTER OF DEEDS
CHIPPEWA COUNTY, WI
Fee Amount: \$11.00
Fee Exempt 77.25-(17)



Recording Area

Name and Return Address
Kostner & Kostner, S.C.
1102 17th Ave.
Bloomer, WI 54724

23010-2911-00000000 & 23010-2912-00000000 &
23010-2913-00000000 & 23010-2134-00000000 &
23010-2133-00000000 & 23010-2044-00000000
Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

This Deed is given in satisfaction of that Land Contract dated
January 2, 1997, and recorded January 13, 1997 in Volume 853 of
Records on Pages 353-354 as Document #558962.

Exceptions to warranties: Easements and reservations of record; local and state zoning ordinances and roadways.

Dated this 4th day of January, 2007.

* _____
* _____

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____.

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Kostner & Kostner S.C. Atty. Richard J. Kostner
1102 17th Avenue, Bloomer, WI

(Signatures may be authenticated or acknowledged. Both are not necessary.)

William J. Schindler, Jr.
* William J. Schindler a/k/a William J. Schindler, Jr.
Rose T. Schindler
* Rose T. Schindler

ACKNOWLEDGMENT

STATE OF WISCONSIN)

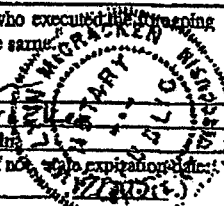
) ss.

Chippewa County.)

Personally came before me this 4th day of
January, 2007 the above named
William J. Schindler a/k/a William J. Schindler, Jr.
Rose T. Schindler

to me known to be the person(s) who executed the foregoing
instrument and acknowledged the same.

Angela M. McCree
Angela M. McCree
Notary Public, State of Wisconsin
My Commission is permanent. (If not, state expiration date.)
May 2



* Names of persons signing in any capacity must be typed or printed below their signature.

STATE BAR OF WISCONSIN FORM 2 - 1982
WARRANTY DEED

599400

DOCUMENT NO.

Marge L. Geissler

WAYNE B. STOFFEL and DEBORAH J. STOFFEL,
husband and wife as survivorship marital
property
conveys and warrants to WILLIAM J. SCHINDLER, III, a
single person

'99 SEP 28 PM 2 14

MARGE L. GEISSLER
REGISTER OF DEEDS
CHIPPEWA COUNTY WI

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

CHIPPEWA COUNTY
ABSTRACT & TITLE CO., INC.
30599A

10.0 PL # 12497

the following described real estate in Chippewa County,
State of Wisconsin:

23010-2143-0000-0000
PARCEL IDENTIFICATION NUMBER

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township
30 North, Range 10 West, Town of Cocks
Valley, Chippewa County, Wisconsin.

Except those portions used for roadway purposes.

TRANSFER
FEE

111.00

This is not homestead property.
~~is~~ (is not)

Exception to warranties: Easements, restrictions, reservations, and roadways
of record, if any.

Dated this 24th day of September, A.D., 1999

Wayne B. Stoffel (SEAL) Deborah J. Stoffel (SEAL)
• Wayne B. Stoffel • Deborah J. Stoffel

(SEAL) _____ (SEAL)

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____

State of Wisconsin, _____ ss.

authenticated this _____ day of _____, 19 _____

Chippewa County, }
Personally came before me this 27 day of
September, 1999, the above named
Wayne B. Stoffel and Deborah
J. Stoffel

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by §706.05, Wis. Stats.)

to me known to be the person who executed the foregoing
instrument and to acknowledge the same.

THIS INSTRUMENT WAS DRAFTED BY
Attorney Paul Gordon

Notary Public, _____ County, Wis.
My commission expires _____ date: _____

Chippewa Falls, WI
(Signatures may be authenticated or acknowledged. Both are not
necessary.)

Paul A. Streigh
NOTARY PUBLIC
2010

* Names of persons signing in any capacity should be typed or printed below their signatures.

Recorded
JULY 27, 2005 AT 10:47AM

STATE BAR OF WISCONSIN FORM 1 - 2000

WARRANTY DEED

Document Number

THIS DEED, made between PHYLLIS SARAUER, Grantor,
and GLENN R. SARAUER, Grantee.

Grantor, for a valuable consideration, conveys to Grantee the following described real estate in CHIPPEWA County, State of Wisconsin (the "Property"):

SEE ATTACHED LEGAL DESCRIPTION

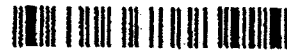
** This deed is given in full satisfaction of an Original Land Contract dated 5/1/1987 and recorded 5/6/1987 in Volume 611 of Records, Page 249 as Document No. 464255.

Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except covenants and restrictions of record and General Real Estate Taxes for the year 2005.

Marge L. Geissler

MARGE L. GEISSLER
REGISTER OF DEEDS
CHIPPEWA COUNTY, WI
Fee Amount: \$13.00
Transfer Fee: \$510.30



Recording Area

Name and Return Address:

GLENN R. SARAUER
4993 City Hwy A
Bloomer, WI 54724

23010-1511-00000000 23010-1043-00000000
23010-1514-00000000 23010-1512-00020000
Parcel Identification Number (PIN) 23010-1512-03000000
This is not homestead property. 23010-1513-00000000
23010-1541-00000000

Dated this 19th day of July, 2005.

Phyllis SaraUER
* PHYLLIS SARAUER

*

*

AUTHENTICATION

Signature(s) _____

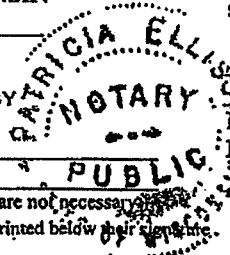
authenticated this _____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Michael J. Vinopal
Attorney at Law



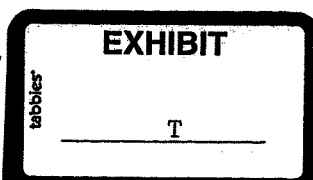
ACKNOWLEDGMENT

STATE OF WISCONSIN)
CHIPPEWA COUNTY.) ss.

Personally came before me this 19th day of
July, 2005 the above named
PHYLLIS SARAUER to me known to be the person(s)
who executed the foregoing instrument and acknowledged the
same.

Patricia Ellison
PATRICIA ELLISON
Notary Public, State of Wisconsin
My commission is permanent. (If not, state expiration date: 7-16-06)

(Signatures may be authenticated or acknowledged. Both are not necessary.)
*Names of persons signing in any capacity must be typed or printed below their signature.



LEGAL DESCRIPTION

Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ -NE $\frac{1}{4}$) of Section Fifteen (15), Township Thirty (30), North of Range Ten (10) West;

Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ -NE $\frac{1}{4}$) of Section Fifteen (15), Township Thirty (30), North of Range Ten (10) West;

Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ -SE $\frac{1}{4}$) of Section Ten (10), Township Thirty (30), North of Range Ten (10) West;

and

The West half of the Northeast Quarter (W $\frac{1}{2}$ -NE $\frac{1}{4}$) and the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ -SE $\frac{1}{4}$) of Section Fifteen (15), Township Thirty (30), North, Range Ten (10) West.

EXCEPTING and RESERVING to the grantors herein a parcel of land and the dwelling and stone garage thereon, said land being described as follows: Commencing at the center of County Trunk Highway "A" and its intersection with the farm driveway, which driveway leads south off of said County Trunk Highway "A"; thence running south on and along the center of said farm driveway a distance of six hundred twenty-four (624) feet, which is the point of beginning of the land herein reserved; thence running due west one hundred twenty-eight (128) feet; thence due south two hundred (200) feet; thence due east one hundred ninety (190) feet; thence due north two hundred (200) feet; thence running due west sixty two (62) feet to the point of beginning and also reserving to the grantors, their heirs and assigns a permanent easement on and along said farm driveway, including the turn around, so that the grantors herein will have access to their farm dwelling and stone garage from County Trunk Highway "A".

Also reserving unto the grantors, their, heirs and assigns, the use of the well. Grantors and grantees shall each pay 50% of the electrical cost, maintenance and repair and any replacement of the well.

Said reserved parcel lying in the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ -NE $\frac{1}{4}$) of said Section Fifteen (15).



(715) 726-4569 Fax 711 N. Bridge St.
(715) 726-7920 Chippewa Falls, WI 54729-1878

RECEIPT

September 26, 2008

TO: Glenn Sarauer
4993 Cty Hwy A
Bloomer, WI 54724

AMOUNT PAID: \$1,075.00 (Check #8338)

RECEIVED: September 26, 2008

Nonmetallic mining reclamation permit application and plan review fees - 2008.

The site location and permit information is as follows:

Permit #
2008-05

Location
23010-1043-00000000

If you have any questions, please contact Joan Schemenauer, Office Administrator, at 715-726-7920.

HAADMINSEC\GRAVLETT\Permits\2008\RECEIPT fee.wpd

EXHIBIT

tabbles

U

INDEXED _____

WARRANTY DEED

474401

LEWIS A. LaGESSE and RUTH C. LaGESSE, husband and wife and each in his or her own right, conveys and warrants to SAMUEL R. LaGESSE and WENDY M. LaGESSE, husband and wife as survivorship marital property, for a valuable consideration, the following-described real estate in Chippewa County, State of Wisconsin:

Part of the West Half of the Southeast Quarter of Section 3, Township 30 North of Range 10 West described as follows:

Beginning at a point 491 feet East and 1134.5 feet South of the intersection of the West line of the Northwest Quarter of the Southeast Quarter and the North line of Northwest Quarter of the Southeast Quarter; thence West 24 feet; thence South 250 feet; thence East 175 feet; thence North 250 feet; thence West 151 feet to the point of beginning.

Together with a 20 foot easement of ingress and egress over and across the Northwest Quarter of the Southeast Quarter of Section 3, Township 30 North of Range 10 West, the centerline of which is described as follows: Beginning at a point 501 feet East of the intersection of the West line of the Northwest Quarter of the Southeast Quarter of Section 3, Township 30 North of Range 10 West and the North line of said Northwest Quarter of the Southeast Quarter; thence South 1134.5 feet.

This is not homestead property.

Exception to warranties: Easements, licenses, zoning ordinances, and restrictions of record.

Dated on April 28, 1988.

FEE
EXEMPT
8

Lewis A. LaGesse
LEWIS A. LaGESSE

Ruth C. LaGesse
RUTH C. LaGESSE

Registers Office
Chippewa County, WI } ss.
Received for Record
the 8 day of Aug
A.D. 1988 at 9:30 o'clock a.m.
and recorded in vol. 633
of Records Page 564-565
William M. Dyer
Registrar

People State Bank
6th city

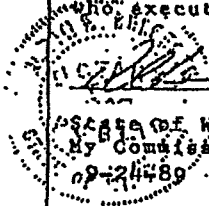
Just Law Offices

110 MOORE STREET • P.O. BOX 54 • CHETEK, WI 54728 • (715) 924-4821
1400 MAIN STREET • P.O. BOX 4 • BLOOMER, WI 54724 • (715) 568-2607

ACKNOWLEDGMENT

STATE OF WISCONSIN) SS.
CHIPPEWA COUNTY)

Personally came before me on April 28, 1988, the above-named
LEWIS A. LaGESSE and RUTH C. LaGESSE, to me known to be the persons
who executed the foregoing instrument and acknowledge the same.



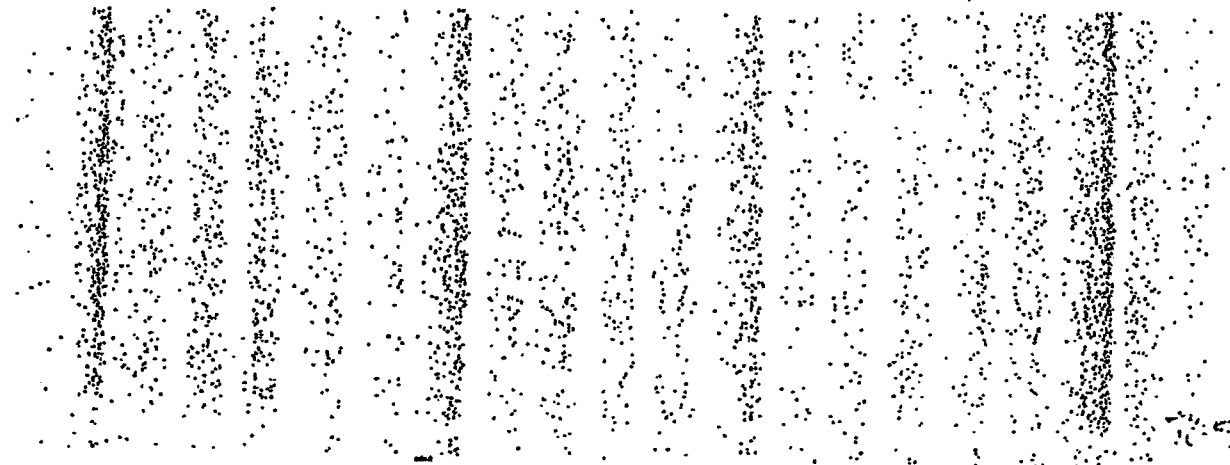
[Signature]
Notary Public

State of Wisconsin
My Commission Expires:

This Instrument Was Drafted By Randi L. Osberg.

Just Law Offices

110 MOORE STREET • P.O. BOX 54 • CHETEK, WI 54728 • (715) 924-4821
1400 MAIN STREET • P.O. BOX 4 • BLOOMER, WI 54724 • (715) 568-2807





RECEIPT

October 9, 2008

TO: Sam LaGesse
4621 186th Avenue
Bloomer, WI 54724

AMOUNT PAID: \$810.00 (Check #7027)

RECEIVED: October 9, 2008

Nonmetallic mining reclamation permit application and plan review fees - 2008.

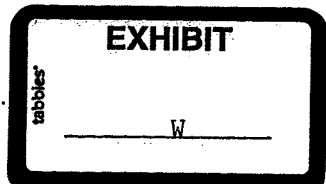
The site location and permit information is as follows:

Permit #
2008-07

Location

If you have any questions, please contact Joan Schemenauer, Office Administrator, at 715-726-7920.

H:\ADMIN\SEC\GRAVLPIT\Permits\2008\RECEIPT fee.wpd



FILE COPY

Chippewa County - NMM Permit

NONMETALLIC MINING RECLAMATION PERMIT

Permit is issued under the Chippewa County Nonmetallic Mining Reclamation Ordinance and Wisconsin Administrative Code NR135.

Applicant: Sam LaGesse

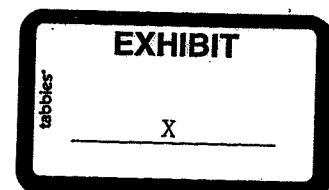
Owner: Sam LaGesse

Permit Number: 2008-07

Date: October 7, 2009

Permit Conditions

1. Activities shall be conducted in compliance with the reclamation plan received August 20, 2009.
2. Permit and site activities shall be conducted in compliance with all provisions and standards of the Chippewa County Nonmetallic Mining Reclamation Ordinance and Wisconsin NR135.
3. The total permitted mining site is 5 acres for the life of the mine. This includes three operational cells. The final floor elevation of the mine shall be no lower than the elevations shown on the Final Site Map and on Cross Section A-A (ranging from 1145 to 1115). Significant changes to the scope of the Reclamation Plan, including the areal extent or depth of the mining site, will require a revised Reclamation Plan and permit modification under NR 135.24.
4. The mining site includes all areas of nonmetallic mineral extraction, haul roads, storm water ponds, soil berms, and other areas meeting the definition of "nonmetallic mining site" or "site" in Wisconsin NR135.
5. Financial Assurance (Surety Bond or Irrevocable Letter of Credit), meeting the requirements of the Chippewa County Nonmetallic Mining Reclamation Ordinance and NR135.40, is required throughout the entirety of mining and reclamation activities. The Applicant shall provide Financial Assurance to the Land Conservation Department prior to beginning any site excavation activities.



6. The applicant shall provide the Land Conservation Department with a copy of the Wisconsin Department of Natural Resources (DNR) WPDES Runoff Discharge permit prior to beginning any site excavation activities.

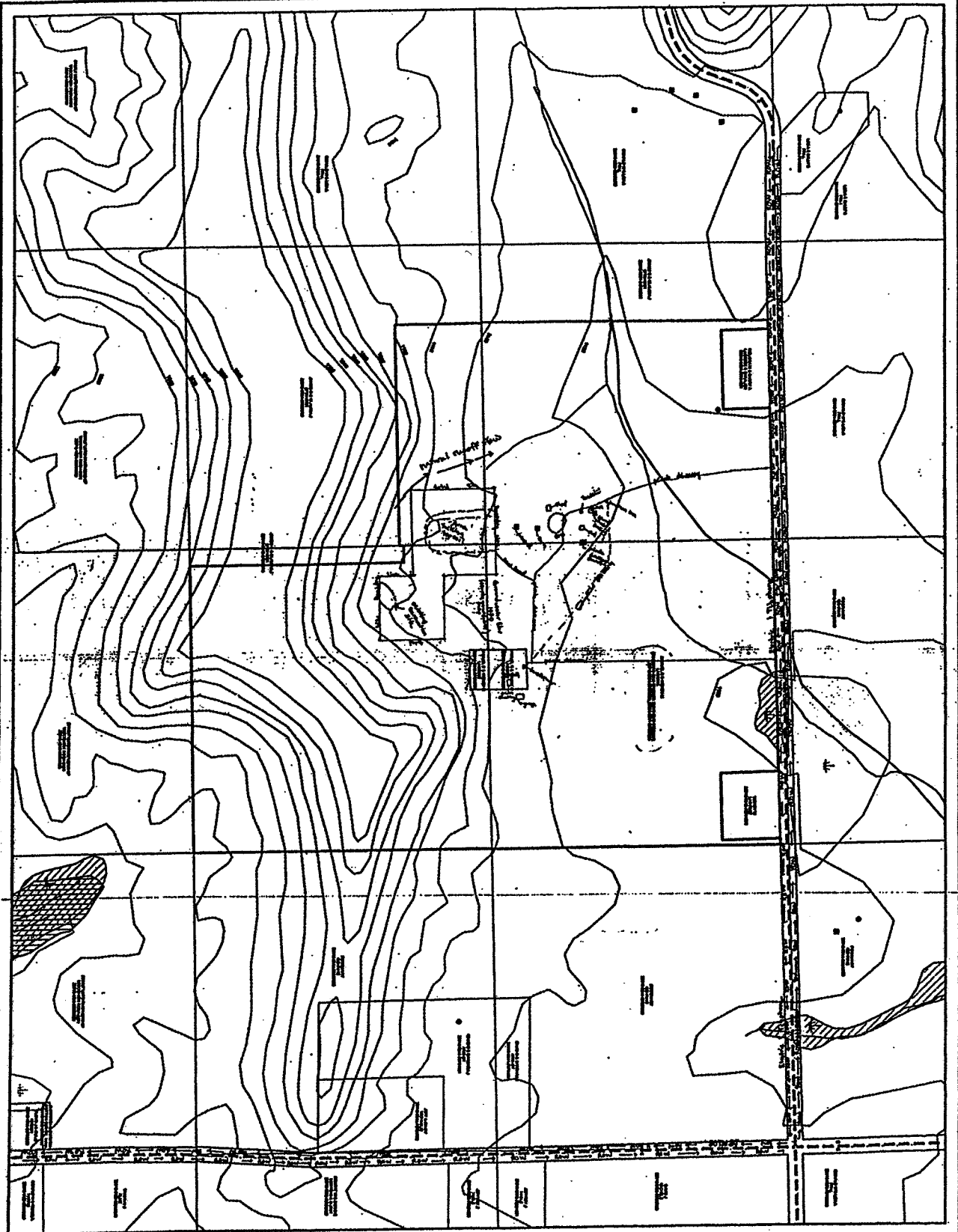
To maintain the DNR classification as internally drained, the mine site shall provide sufficient capacity to store and infiltrate mine site runoff from all rainfall events smaller than 4.1 inches the 10 year, 24 hour event (4.1 inches).

7. All topsoil and subsoil in areas of mining shall be stripped and stockpiled for use in site reclamation. No topsoil or subsoil is to leave the site during the entirety of the site operations.
8. Disposal of any solid waste, including construction debris, is prohibited at this site without prior written consent of the Chippewa County Land Conservation Department and receipt of all local, state, and federal permits.
9. Chippewa County Land Conservation Department shall be contacted at least 72 hours prior to commencement of any excavation activities at the mining site.

Staff Signature

David B. Marshall
Authorized Staff

October 7, 2009
Date



	Site Property Boundary
	Parcel Boundaries
	NCOS Wetlands
	CWR Wetlands
	Hydro Soils
	Contour Lines
	Buildings
	Wells
	Roads
	Lakes
	Streams
	Disturbance

NOTE:
 1. All wetlands, hydrosoils, and contour lines were derived from a 2007 aerial photograph interpretation and a 2007 topographic map. The wetlands and hydrosoils were derived from a 2007 aerial photograph interpretation and a 2007 topographic map. The contour lines were derived from a 2007 topographic map. The wetlands and hydrosoils were derived from a 2007 aerial photograph interpretation and a 2007 topographic map. The contour lines were derived from a 2007 topographic map.

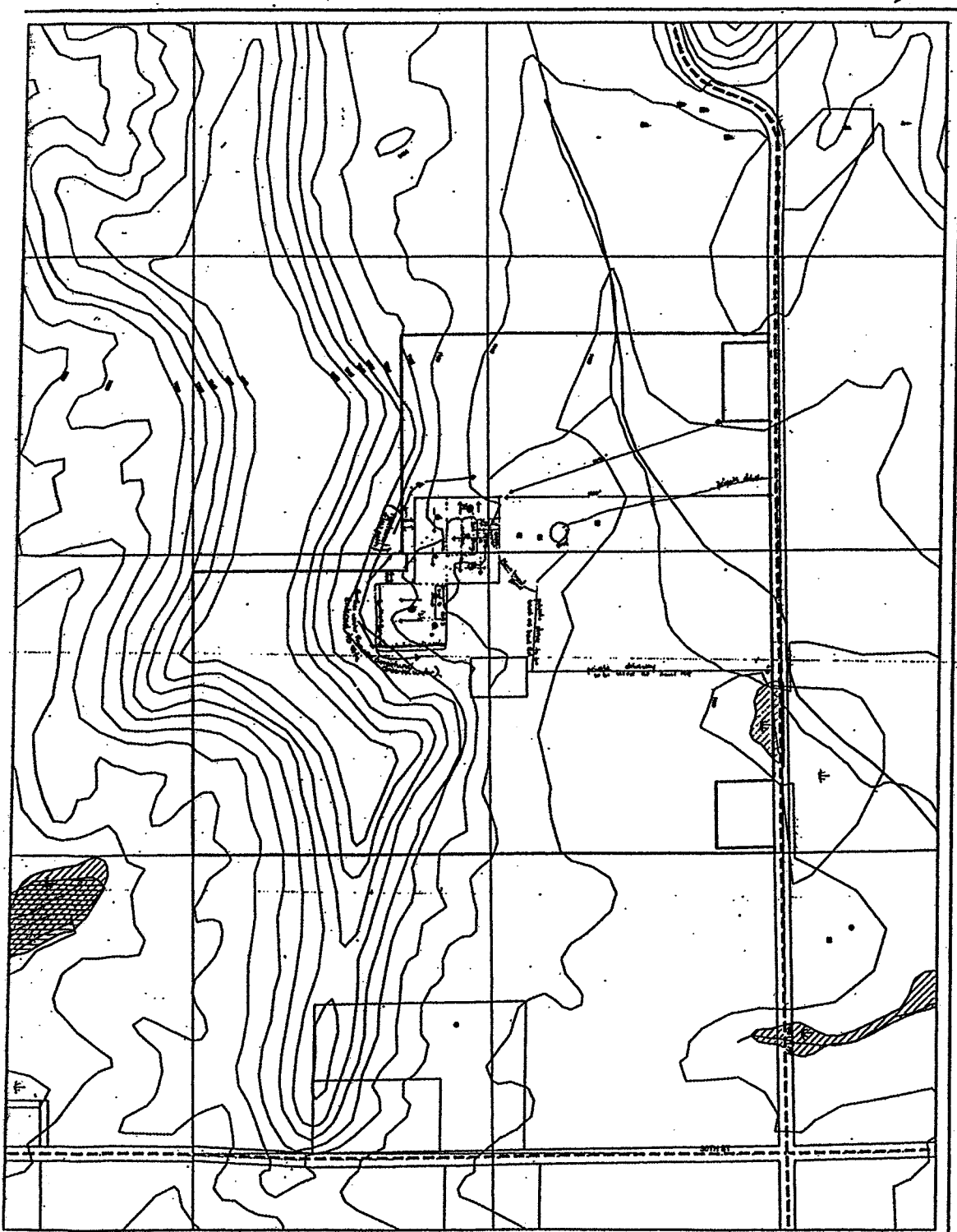
Central Coast Regional Water Treatment Plant

INITIAL SITE MAP

OPERATOR: CHARMED
DATE DRAWN: 03/27/2014
OPERATOR: DANIEL SALLAVERSE
DATE DRAWN: 03/27/2014
LOCATION: SITE 03, CA TRN - RIVY

EXHIBIT

Y



OPERATIONS SITE MAP
 Non-Metric: Meter Maps

Scale Map Provided by:
CENTRAL COUNTY LAND CONSERVATION DEPARTMENT
 Final Plans Developed by Applicant

OWNER: S&M LAGERSE
OPERATOR:
DATE DRAWN:
LOCATION: SW 1/4 SEC. 33, T30N, R30W

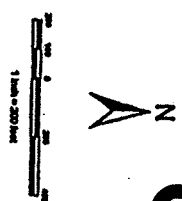
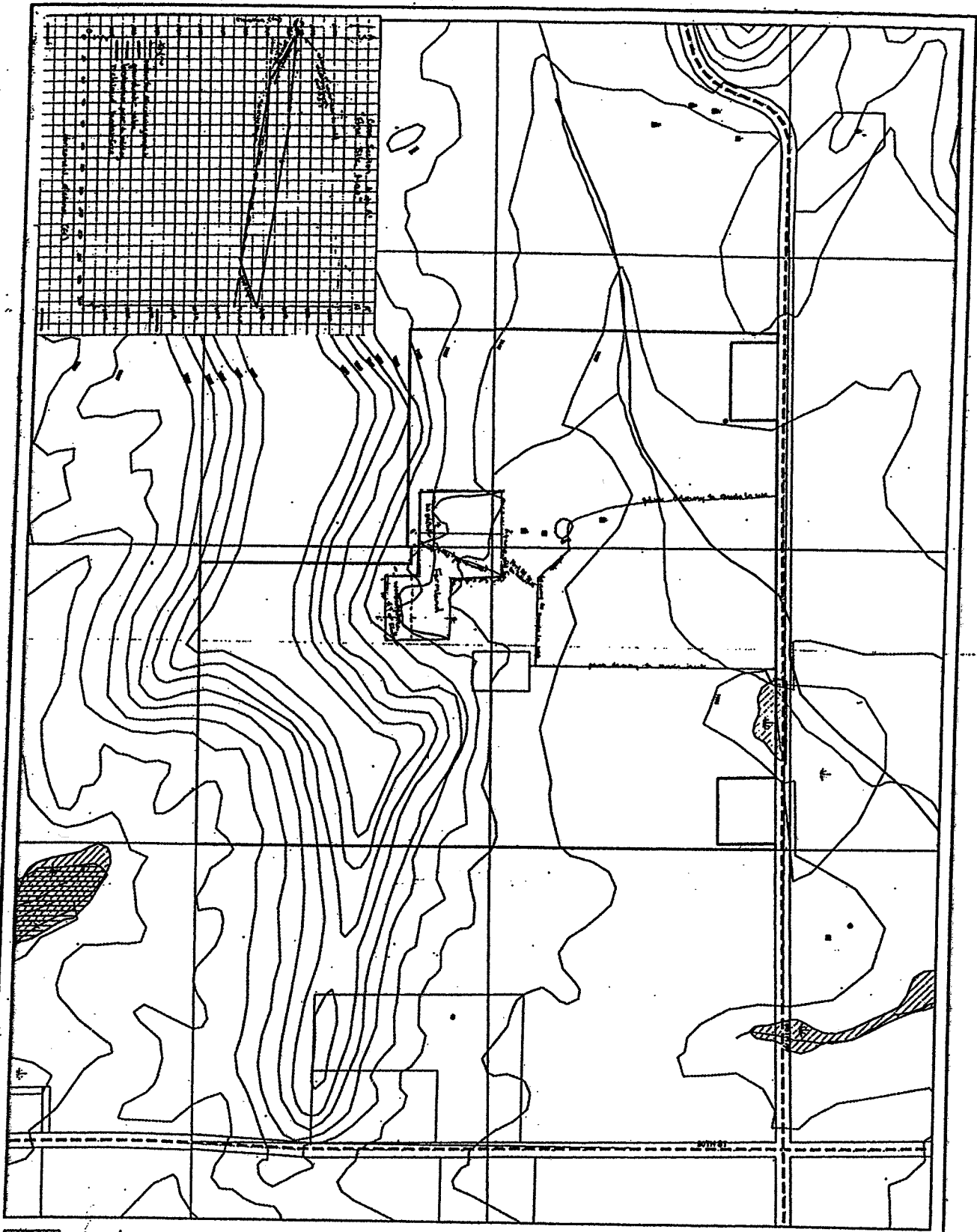
Legend:

- Site Property Boundary
- Private Boundaries
- NRCS Wetlands
- DRP Wetlands
- Hydrate
- Contour Lines
- Buildings
- Yards
- Roads
- Lakes
- Streams
- Drainage

Scale: 1 inch = 200 feet

Notes:
 1. This map is for informational purposes only and does not constitute a contract. The user of this map is responsible for verifying the accuracy of the information shown on this map. The user of this map is also responsible for obtaining all necessary permits and approvals from the appropriate authorities. The user of this map is also responsible for obtaining all necessary insurance and bonding. The user of this map is also responsible for obtaining all necessary permits and approvals from the appropriate authorities. The user of this map is also responsible for obtaining all necessary insurance and bonding.

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	Site Property Boundary
	Parcel Boundaries
	NRCS Wetlands
	DNR Wetlands
	Hydric Soils
	Contour Lines
	Buildings
	Wells
	Roads
	Lakes
	Streams
	Drainageways

Note:
 1. All wetlands, streams, drainageways, and lakes are shown on this map for informational purposes only. The presence of wetlands, streams, drainageways, and lakes is not a guarantee of their presence or absence. The user of this map should consult the appropriate regulatory agency for more information.

Soils Map Provided By:
CHIFFRA COUNTY LAND CONSERVATION DEPARTMENT
 Final Plans Developed by Applicant

Non-Metric Metric Maps
FINAL SITE MAP

APPROVED

OWNER: SAUL LAGASSE
 OPERATOR:
 DATE DRAWN:
 LOCATION: SW 1/4 SEC. 33, T39N, R10W

EXHIBIT
 AA

tabbles