

MOTION TO GRANT PERMIT TO OPERATE QUARRY

Motion to grant a permit to operate quarry to RYBAK AGGREGATE LLC (hereinafter referred to as "Operator"), on property located in the Town of Farmington, Polk County, Wisconsin described as follows:

Parcel 1

The NW¼ of the NW¼ of Section 34,
T33N, R19W
Parcel #022-01097-0000

Parcel 2

The NE¼ of the NW¼ of Section 34, T33N,
R19W
Parcel #022-01096-0000

The grant of this permit is contingent on the Operator complying with the following conditions:

- I. Operator shall have filed with the Polk County Land & Water Resources Office a complete reclamation plan as required by the Polk County Nonmetallic Mining Reclamation Ordinance.
2. Operator shall not quarry to a depth deeper than an elevation of 800 feet above mean sea level as described in the Reclamation Plan approved by Polk County and the Town of Farmington and dated May 2014.
3. Clean fill as allowed by State statute NR500.08(2)(a) may be brought onto the site for processing or use in reclamation. No dumping of any refuse unrelated to mining or reclamation activities.
4. A buffer zone along the adjoining property lines, and public roads and highways shall be established by the Town Board based on specific factors regarding the operation, adjoining land use and other factors. Said buffer zone shall be not less than 6 feet in width. In said buffer zone the Operator shall not undertake and activities, which involve quarrying, removal of top soil, or stock piling of top soil for quarried materials.
5. Temporary Hot Mix plant is allowed under SECTION VI, paragraph 9(e) of the Zoning Ordinance of the Town of Farmington. Storm water ponds included in the Reclamation Plan approved by Polk County shall not be considered a water hole from quarrying and will be allowed.
6. Temporary concrete plant as described in SECTION X, paragraph 3(d) is allowed when location is approved by the Board of Adjustment.
7. Operator has a test well on Parcel 1 of the above-described property. Said test well is 166 feet deep. The depth, size, and location of said test well are hereby approved by the Town Board. At such time as designated by the Town Board or its designee, two (2) samples from said test well each calendar year to test for volatile organic chemicals and/or such other substances as the Town Board designates. Any results unacceptable to the Town Board shall be cause for immediate suspension of operations and review of this permit.
8. The hours of operation shall be such as not to disturb the peace of the area or the local residents. Crushing operations shall not commence before 6:00 a.m. and shall not extend beyond 9:00 p.m. Monday – Friday and 6:00 a.m. to 3:00 p.m. Saturday. New equipment shall be converted to white noise back up alarms.
9. The town road lying between the above-described real estate and State Road 35 shall be treated by the Operator at the Operator's expense with gravel for maintenance, and treatments to avoid excessive dust as directed by the TownBoard. Operator agrees to pledge \$0.05 per ton of virgin material sales to the Town of Farmington with a maximum of \$20,000 annually. Donation paid quarterly.

10. Operator shall annually furnish the Town Board with a certificate of insurance providing a minimum of two million dollars bodily injury liability coverage from an insurance carrier licensed to do business in the State of Wisconsin.
10. The Town Board shall have the right of access to the above-described property, without notice for all purposes related to this permit.
11. This permit shall not be transferable or assignable and shall be reviewed upon any change of ownership.
12. The Operator shall fully comply with all applicable federal, state, and local laws, rules, and regulations, including State of Wisconsin, Department of Natural Resources ("DNR") Nonmetallic Mining Operations (NMM) General Permit No. WI-0046515-05, as evidenced by letter from DNR dated June 3, 2014 ("DNR Permit"). The DNR Permit governs storm water management on the Property.
13. Failure to comply with the conditions of this permit authorizes the Town Board to suspend the operation of the quarry immediately and review this permit and the permit conditions set forth herein.

CERTIFICATE


The undersigned members of the Town Board of the Town of Farmington, Polk County, Wisconsin, do hereby certify that the motion set forth was approved at our Regular Town Board Meeting, held on Monday January 7, 2019

Dennis Cottor, Chairman

Rick McGuiggan, Supervisor

Dennis Neumann, Supervisor

Debbie Swanson, Clerk/Treasurer (witness)



Rybak Aggregate, LLC
Matt Torgerson