

**TOWN OF RED CEDAR**  
**MINUTES– Public Hearing and Planning Commission Meeting**

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A **Public Hearing** was held on Tuesday, March 20, 2018 at 6:30 p.m. at the Red Cedar Town Hall, E6591 627<sup>th</sup> Avenue, Menomonie, WI to gather public input on the request of Verizon Wireless for a special exception permit to construct, operate, and maintain a wireless telecommunications facility, including a 250-foot-tall antenna support structure (259' overall height to top of lightning rod), on a parcel in the NE ¼ of the NW ¼ of S5, T28N, R12W, PIN 1702422812052100001, on the south side of 730<sup>th</sup> Street, west of County Road B and East of County Road BB in the Cedar Falls area of the Town of Red Cedar. A **Planning Commission meeting** was held immediately after the Public Hearing to discuss the proposal and take possible action on a recommendation to the Town Board.

**Public Hearing, 6:30 p.m.**

1. **ROLL CALL/CALL TO ORDER.** At 6:31 p.m., Chairman, Leon Herrick, called the meeting to order. Present were Bob Cook, Chad Haldeman, Marge Hebert, and Secretary/Clerk, Cheryl Miller. Susan Harrison was absent. Ron Prochnow arrived late.
2. **PUBLIC HEARING** on the request of Verizon Wireless for a special exception permit to construct, operate, and maintain a wireless telecommunications facility. Brian Kabat, the site acquisition consultant on behalf of Verizon Wireless, appeared and presented information with respect to the proposed wireless telecommunications facility and tower. Questions were asked by Planning Commission members. There were no public comments.
3. **ADJOURN.** At 6:56 p.m., Chairman, Leon Herrick, adjourned the public hearing without objection.

**Planning Commission Meeting**

1. **ROLL CALL/CALL TO ORDER.** At 6:56 p.m., Chairman, Leon Herrick, called the meeting to order. Present were Bob Cook, Chad Haldeman, Marge Hebert, Ron Prochnow, and Secretary/Clerk, Cheryl Miller. Susan Harrison was absent.
2. **MINUTES.** The minutes of the February 13, 2018 Planning Commission meeting were reviewed. *Motion by Chad Haldeman to approve the minutes as presented; motion seconded by Bob Cook. None opposed. MC*
3. **PUBLIC COMMENTS.** None.
4. **BUSINESS** to consider and act on, including possible recommendations to the Town Board:
  - (a) Take action and make a recommendation on special exception request of Verizon Wireless. Discussion had. *Motion by Bob Cook to send this matter to the Town Board with a recommendation that this project be approved at this location; motion seconded by Chad Haldeman.* Further discussion had. Motion called by roll call vote as follows: Marge Hebert, yes; Chad Haldeman, yes; Ron Prochnow, no; Bob Cook, yes; and Leon Herrick; yes. *Motion carried on a roll call vote 4 to 1.*
  - (b) Work on standards, site plan, and possible Developer's Agreement for American Express special exception permit request. Arvid Jereczek appeared on behalf of American Express and handed out their draft response to the town's requirements and a map showing a different location for the berm, diagonally across the property from the southeast to the northwest. He indicated that they can plant eight-foot trees and will leave some dirt near I-94 as a buffer. Discussion had with Planning Commission members and residents. Flooding in the lot was discussed, as well as dust control and

runoff, soil contamination, and bonding.

The applicant agreed to all the requirements set forth by the Planning Commission on 02/19/2018 (attached hereto as Exhibit "A") except for the location of the berm and the items listed in the applicant's detailed breakout/response dated 03/12/2018 (attached hereto as Exhibit "B"). Discussion was had, and the Planning Commission agreed to the applicant's detailed breakout/response with the following revisions:

- (1) Materials allowed at the site will be listed;
- (2) The site will not be open to the public;
- (3) The operating hours will remain 7:00 a.m. to 7:00 p.m. Monday through Friday only; and
- (4) No access whatsoever is allowed from CTH E to the site.

*Motion by Bob Cook to approve the applicant's detailed response with the agreed to revisions; motion seconded by Chad Haldeman. None opposed. MC.* The applicant will draft a Developer's Agreement listing the Planning Commission's requirements of 02/19/2018 and the applicant's detailed response of 03/12/2018 with the revisions notated herein.

- (c) Town cul-de-sacs/dimensions of right of ways. Marge looked up the cul-de-sacs, and most have 16 foot ROWs. Cheryl will bring copies of the documentation to the next meeting. *This matter was postponed.*
- (d) Mathy CUP/BOA minutes re: compliance. The BOA minutes were reviewed. Candy Andersen and Ron Brown of Mathy were in attendance. They indicated that no mining was being performed on the property and that concrete is stored there. Discussion was had on the retention area, the fuel tank on site, and other issues. *This matter was postponed.*
- (e) Review updates to Dunn. Co. Zoning Ordinance. *This matter was postponed.*

5. **ADDITIONAL RECOMMENDATIONS:**

- (a) *Motion by Bob Cook to recommend approval of the American Express Special Exception Permit upon satisfactory completion and signing of a Developer's Agreement between the applicant and the Town of Red Cedar; motion seconded by Marge Hebert. None opposed. MC*
- (b) *Motion by Chad Haldeman to recommend that the Town Board re-appoint Ron Prochnow to the Planning Commission for another three-year term beginning on May 1 2018; motion seconded by Bob Cook. None opposed. Motion carried.*

(c) **COMMUNICATIONS/ANNOUNCEMENTS.** Bob Cook showed Planning Commission members the bubble maps between the Town of Red Cedar, the Town of Menomonie, and the City of Menomonie.

(d) **UPCOMING AGENDA ITEMS.** A Public Hearing for a rezone of 2.76 acres from GA to R2 on 650<sup>th</sup> Ave. (Corey Cook).

(e) **SET NEXT MEETING DATE.** The next meeting date was set for Monday, April 16, 2018 at 6:30 p.m.

(f) **ADJOURN.** *At 8:49 p.m., Chairman, Leon Herrick, adjourned the meeting without objection.*

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*(The minutes are subject to approval at the next, regularly scheduled Planning Commission meeting.)*



Cheryl Miller  
Secretary/Clerk

March 21, 2018

## **TOWN OF RED CEDAR – American Express Transport & Excavation, LLC – Special Exception Permit**

The following provides organized responses to the request of American (RTT) Express, LLC (Arvid Jereczek) for a special exception permit to operate a concrete and asphalt mixing plant. These responses were gathered at the public hearing held January 16, 2018, and later from four Planning Commission members and two community members and organized by a Planning Commission member. This list is meant to be an aid for future conversation between the Planning Commission and the applicant and does not imply, in any way, that a permit will be granted if all suggestions are met.

### **Special Exception Permit:**

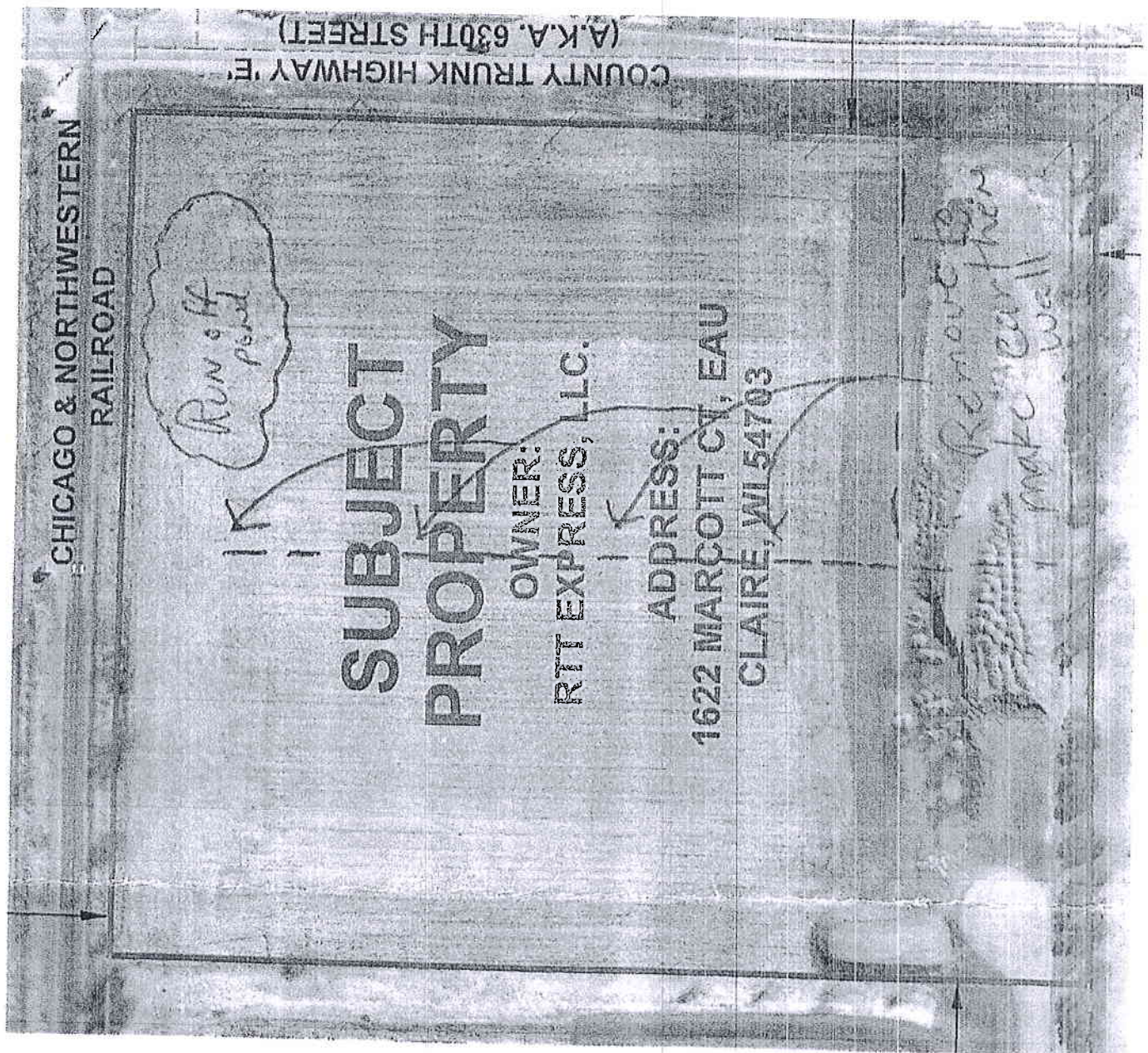
- American Express Transport & Excavation, LLC should become the sole owner of the 16.7 acres of land under discussion prior to any granting of the Special Exception Permit. If granted, the Special Exception Permit would be specifically granted to American Express and not transferrable to any other owner if the property were sold in the future. Future owners would need to reapply for such a permit. The Town Clerk should retain the owner's address and phone number.
- Initially, a one-year trial permit would be issued with a review to be held via public hearing with the town at the end of the first year. Thereafter, there shall be a compliance review every two years or if there is a complaint.
- Any deviation from the conditions of the Special Exception Permit and/or the Developer's Agreement would result in forfeiture of any bonds required by the town.

### **Site layout:**

- There shall be no access to the property from or to County Road E.
- A gated entrance shall be closed when not hauling materials into stockpile (i.e., closed at the end of the work day and during off season).
- Split the property along a North-South line in half, separating the land into two sections (east and west). SEE MAP below.
  - Use the dirt pile currently north of I94 to make a dividing land berm.
  - Construct a runoff pond at the Northeast corner of the unused property or at the Southeast corner after the dirt pile is moved.
  - Keep all work to the west half of the property closest to the existing asphalt plant, leaving the east half of the property as a buffer to Rusk.

Ex A - Pg 1 of 4





**Type of Operation:**

- The site will be used for stockpiling of materials only.
- No mining shall take place on site.
- No manufacturing (production) of asphalt or concrete shall take place on site.
- All work on site will take place above grade.
- No permanent structures will be constructed on site.

**Sight/sound barrier:**

- A low-rise berm with some type of trees or shrubbery on top of it to dampen the noise and shield the view of the area from the village residents should be created.
- Trees will be kept alive and dead ones will be replaced with similar height trees.

**Lighting restrictions:**

- Any lighting used must be directed away from the village resident's homes.

**Regular Operation hours:**

- Normal operating hours shall be Monday through Friday, 7 a.m. to 7 p.m.
  - Normal operating hours include when trucks can haul material in and out.

**Crushing/Grinding:**

- The Town shall be given two weeks' prior notice as to when the crusher will be brought on site and when the crushing/grinding is scheduled to begin.
- Material crushing/regrinding shall be performed no more than twice per calendar year.
- Suggestion to restrict crushing/grinding to weekdays only.
- Dust control must be in use during crushing/regrinding and mixing operations.

**On-site material/storage:**

- The site is for the sole use of the owner - not open to the public for deposits (i.e., third party materials will not be accepted for storage).
- All materials will be tested for contaminants before being brought in under DNR permitting rules. No contaminants shall be contained within the materials stored on site. Certified testing (by certified testers) of incoming materials for contaminants available upon request of the Town.
- Limit (total on-site storage) tonnage of all incoming materials.
  - Recycle concrete 15,000 tons, limit pile height to 20'
  - Recycle blacktop same as above
  - Sand & Black dirt same as above
- All recycled materials, including crushed/reground materials, shall be contained west of the earthen wall.
- No scrap metal shall be stored on site.
- Fuel storage shall be limited to "1,000 gallon normal operations" - extra fuel may be stored on site in approved containers during crushing and shall be removed when the crusher unit is removed.
- No materials or machinery shall be stored on the east side of the property.
- The site is not to be used for storage of equipment. Machinery that is on site must be needed on a continuous basis for handling or piling materials.
- No off-season machinery storage.
- There shall be no hot mix on site.

**Maintenance restrictions:**

- Required nighttime welding & maintenance of crushing/grinding equipment shall utilize methods for shielding the lights and welding from the view of Rusk residences
- Other maintenance, outside of crushing season, shall occur during normal operating hours.

**Green space:**

- All green spaces must be aesthetically maintained and kept free of noxious weeds. (a park isn't a bad idea...)

**Other permits/requirements:**

- Operations must meet all DNR requirements.
- State standards and guidelines for storm water plans and drainage shall be met.
- If a Special Exception Permit is granted:
  - Bonding would be required to insure land is properly cleaned up and restored to original condition upon conclusion of storage & crushing – the end of business; and
  - A non-transferable developer's agreement would be required.

**General Request:**

- Pictures of crusher, containments and other machinery used in the process would be helpful during future presentations to the Planning Commission or Town Board.

Ex. A - pg 4 of 4



**DRAFT**

03/12/2018

Page 1 of 2

Town of Red Cedar  
C/O Cheryl Miller, Clerk  
E6990 720<sup>th</sup> Ave.  
Menomonie, WI 54751

RE:

RTT Express, LLC  
W3450 State Road 37 Eau Claire, WI 54701  
C/O Arvid Jereczek, Member \* 715.456.3553  
Tim Davis, Agent \* 715.832.9833  
Special Exception / Conditional Use Permitting  
Parcel #1702422812164100003, 628<sup>th</sup> Ave.  
Town of Red Cedar, Dunn County, WI

Town of Red Cedar Planning,

Please take this letter as a formal response to the Townships proposed requirements regarding the Special Exception Permit filed by and for American Express Excavation, LLC (AXE).

*Please see the attached detailed breakout, items that are detailed are items that American Express would like to discuss further with the Township in an effort to come to an agreement that suits all parties involved.*

Best regards,

Arvid Jereczek  
715.832.9833ph  
715.456.3553cell  
715.832.9674fx

EXB - pg 1 of 3

**1. Special Exception Permit**

- AXE Acknowledges conditions outlined in this paragraph without contest with the condition that forfeiture of any bond is done within the policy of the bonding agent; conditions of the permit and the terminating factors of the permit that would result in the forfeiture of the bond are within standard bonding guidelines and practices.

**2. Site Layout**

- Berm Changes - Please see the proposed Exhibit identifying the berm and screening proposed by AXE.
- Berm Construction - AXE will use quality materials in the construction of this berm, following WIDOT construction standards and specifications.
- Runoff Pond – It is proposed that the runoff pond be constructed in the South East corner of the site, closer to I94 and NOT on the north end of the site. This pond will need to be within the bermed area to be considered adequate erosion control and runoff protection.

**3. Type of Operation**

- Site Use - AXE intends to manufacture crushed aggregate base course at this site in addition to stockpiling of materials.

**4. Operating Hours**

- 7am to 7pm is an acceptable time frame for normal operations.
- "End of Day Operations" - AXE would like to reserve the right to "drop" equipment and trucks off at the end of the day if needed for job staging purposes, this activity would entail simple unloading of equipment in the evening hours at days end. NO YARD WOULD TAKE PLACE AFTER 7PM.

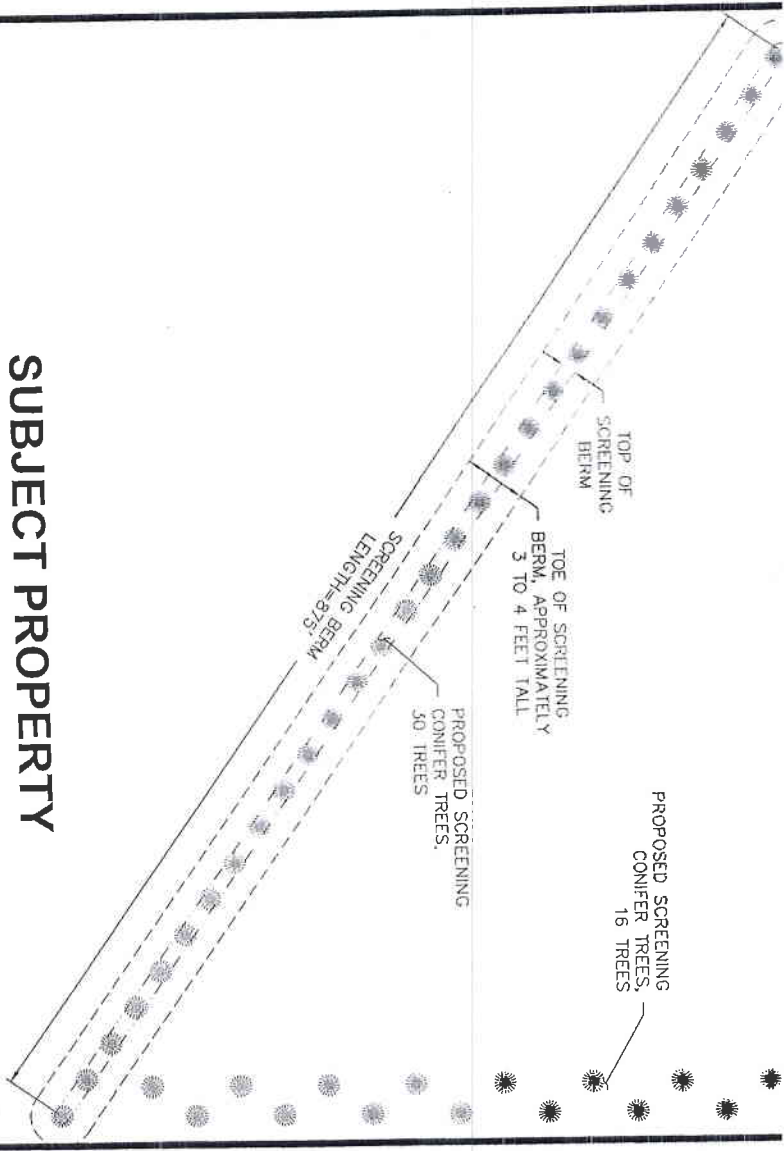
**5. Testing**

- All materials imported will be tested and handled per WI DNR and EPA guidelines.
- Township reserves the right to schedule an inspection of the property with the owners to inspect activity and operations as well as the dumping area. Owner agrees to make the site available for inspection within 48 hours to appropriate Township officials.
- Township reserves the right to make a reasonable request for copies of asbestos & lead inspection reports as required by the WI DNR. Owner agrees to make documents available within 48 hours of request.

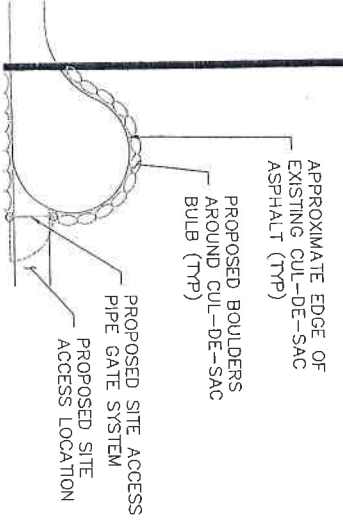
Ex. B - pg 2 of 3



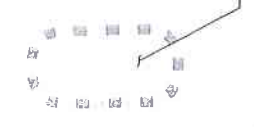
W  
N  
E



**SUBJECT PROPERTY**



PROPOSED STORM WATER  
MANAGEMENT POND



COUNTY TRUNK HIGHWAY 'E'  
(A.K.A. 630TH STREET)

