

# TOWN OF OSCEOLA

## Polk County, Wisconsin

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To: Polk County Land Information Committee  
c/o Gary Spanel, Zoning Administrator

From: Steve Stroshane, Chairman  
Town of Osceola

Date: December 16, 2009

**Re: *Kraemer SEP Process***

The Osceola Town Chair respectfully asks that this memo be provided to all Land Information Committee members as soon as possible, so they can consider it at the LIC meeting and public hearing tonight.

It appears the attempt by Polk County to insure a fair process for evaluation of the Kraemer SEP has resulted in some inequity for people opposed to the application. As was discussed during the October 7, 2009 Land Information Committee (LIC) meeting, the Town of Osceola proposed a process whereby the LIC would take initial testimony at a public hearing and then information requests (if needed) would be fulfilled by Kraemer to answer questions or allow independent verification of the submitted data. Once the data was provided, any party wishing to testify at a second public hearing would submit written testimony 2 weeks in advance of the second hearing so that it could be provided to all parties. At the second public hearing, each party would be able to fairly comment on the other parties' documents with Kraemer having the opportunity to testify last (i.e. have the last word). Instead, the County is allowing only Kraemer to offer rebuttal testimony. This process is weighted against the residents opposed to the SEP. Following is a partial list of the reasons why the County process is inequitable to persons opposed to the SEP.

1. It has been two months since the LIC heard the first testimony at the October 21, 2009 public hearing. It is difficult to believe the LIC will remember the significant parts of the testimony given the technical nature of some information and the volume of information that was presented.
2. The Town raised the concern with the LIC that Kraemer did not provide the necessary information in its SEP application and supporting documents to verify the blast/ground vibration/noise issues. At the October 21, 2009, public hearing, the Town's noise consultant, QRDC offered testimony based on what was available in Kraemer's SEP application and supporting documentation. Yet, in its rebuttal document, Kraemer argues more than once that, "*All of the comments by QRDC are subjective and are not supported by any engineering or scientific analysis, whereas the reports and memoranda provided by our firm were based on scientific and engineering analysis as is standard due diligence for similar projects. Therefore, none of the comments by QRDC change the conclusions.....*" The aforementioned situation (the lack of information provided in Kraemer's original SEP application) was the exact concern the Town brought to the County's attention on October 7, 2009.
3. The County is not allowing the Town to comment on issues raised within the Kraemer rebuttal including any new issues. In this regard the agenda for the Land Information

Committee meeting on December 16, 2009, originally included an agenda item for public comment. The Polk County Corporation Counsel removed this public comment period from the agenda after the Town Chair notified the County Zoning Administrator that he intended to make a comment during that portion of the agenda.

4. The questions raised during the first public hearing regarding the proposed traffic approach have not been adequately answered. The Committee has not sought additional information from its staff or an independent consultant regarding Kraemer's proposed approach.

The Town's concern is that the democratic vote on this SEP application should be based on consideration of all the facts. Waiting two months after the first public hearing and then not allowing people opposed to the SEP to have an opportunity to respond to Kraemer's additional information is an inequitable situation.

One of the greatest concerns regarding this SEP application is the blasting/noise/ground vibration. The Town has hired two separate consultants, Dr. Kamperman (Kamperman Associates) and Dr. Allaei (QRDC). Both have offered testimony that the proposed quarry operation will affect the nearby residents. Yet, according to Kraemer's submissions, the documents produced by both consultants should be discounted because Kraemer argues that Dr. Kamperman is too opinionated and Dr. Allaei is biased. Dr. Allaei PE from QRDC has provided a rebuttal document to Kraemer's written rebuttal testimony (attached to this memorandum). The document is informative and speaks directly to the issue of maintenance of safe and healthful conditions (one of the LIC considerations discussed on the County Application form). By not considering this document and discounting his other testimony (as suggested in the Kraemer rebuttal), the County is doing a disservice to its residents.

At a minimum, the Town requests that the LIC give consideration to Dr. Allaei's rebuttal document and further pursue any outstanding questions related to blasting/noise/ground vibration directly with QRDC which would help determine whether the proposed SEP would have an effect on the maintenance of safe and healthful conditions of the area residents.

Thank you for your consideration.

Cc: Malia Malone, Assistant Corporation Counsel