

RESOLUTION IN SUPPORT OF A NEW 3-WAY MINING AGREEMENT

WHEREAS Waukesha County ("County") owns a 102 acre parcel of land, including a previously mined gravel pit ("County Property") located along the east side of C.T.H. C in Section 6 of the Town of Genesee (see Exhibit "A"), and

WHEREAS the Waukesha County Board of Supervisors ("County Board"), in August 1987, approved an agreement ("1987 Agreement") for the mining of nonmetallic minerals along shared property boundaries with Vulcan Materials, which was subsequently transferred to Wolf Construction ("Wolf") in 1990, the current property owner, and

WHEREAS the County Board, in August 1993, approved an agreement ("1993 Agreement") that allowed Wolf to mine a portion of the County property in exchange for "reclamation credits", and

WHEREAS the County Board, in June 2002, approved a 10-year contract ("2002 Contract") with Johnson Sand and Gravel ("JSG") to conduct additional mining activity on the site as part of a mine reclamation and yard waste composting operation being administered by the Department of Parks and Land Use ("Department"), and

WHEREAS to meet current regulatory requirements and provide a more useful site for future development, the Department recommends:

1. Removing/mining of a 40-foot high hill on the northwest corner of the property, including land owned by Wolf and a small landfill owned by the County, as shown in Exhibit "A"; and
2. Modifying the 1987 Agreement to include additional property now owned by Wolf along the eastern property line of the County Property; and
3. Installing a monitoring well on the Wolf property to monitor the impacts of the mining operation on local groundwater resources, and

WHEREAS to implement the above recommendations, the Department recommends that the County enter into a new 3-Way Mining Agreement with Wolf and JSG that would supersede all previous agreements with the conditions spelled out in this resolution, and

WHEREAS the final 3-way agreement will be reviewed by the Department of Administration Risk Management and Corporation Counsel prior to being forwarded to the County Board for consideration of approval through separate ordinance.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA RESOLVES that the Department of Parks and Land Use is authorized to negotiate a new 3-Way Mining Agreement with Wolf and Johnson Sand and Gravel (JSG) that includes the following provisions:

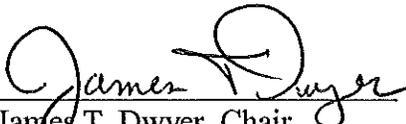
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1. JSG shall mine an amount of material sufficient to obtain the final elevations and contours of reclamation plans to be approved by the Town of Genesee and the Department, including material located on certain portions of the Wolf property, as indicated in Exhibit "A".
 2. No payment shall be made to Wolf by JSG or the County for any material mined on the Wolf property. Instead, mining the specified areas shall satisfy all "reclamation credits" owed by Wolf to the County under the terms of the 1993 Agreement.
 3. JSG shall, at their cost, remove, process, recycle or dispose of all landfill materials that are encountered during mining activities in accordance with plans approved by Wisconsin Department of Natural Resources ("DNR"), with the exception of "hazardous materials", as defined by the DNR. Disposal costs for any hazardous materials shall be the responsibility of Waukesha County. Known areas of landfill materials are shown in Exhibit "A".
 4. Wolf and the County shall agree to expand the applicability of grading and reclamation provisions similar to the 1987 Agreement to include all currently shared property boundaries where grading may occur, as shown in Exhibit "A".
 5. JSG shall reclaim the entire County Property and those portions of the Wolf property shown in Exhibit "A" in accordance with approved reclamation plans and the specifications of the 2002 Contract.
 6. Wolf shall allow the installation of one monitoring well and the recording of a temporary access easement on their property at JSG's expense, as indicated on Exhibit "A".
 7. JSG shall indemnify, defend and hold harmless Wolf and the County from any and all claims arising out of JSG's mining on property owned by the County and Wolf.
 8. The new 3-Way Mining Agreement shall supersede all previous agreements executed between the County and Wolf, and shall serve as an addendum to the 2002 Contract.
 9. To ensure its execution, the new 3-Way Mining Agreement shall be recorded with the County Register of Deeds for the Wolf and County Properties.

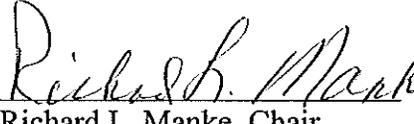
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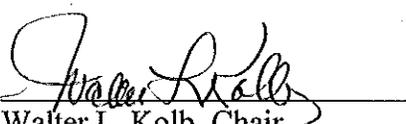
Presented by:
Executive Committee

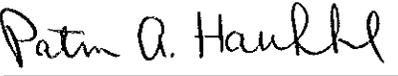
Approved by:
Public Works Committee

Approved by:
Land Use Committee

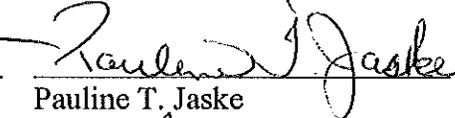

James T. Dwyer, Chair


Richard L. Manke, Chair

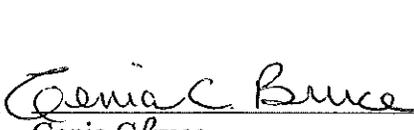

Walter L. Kolb, Chair


Patricia A. Haukohl


James R. Behrend

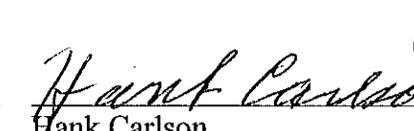

Pauline T. Jaske

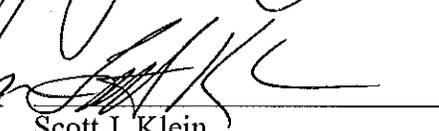
absent
Kenneth C. Herro

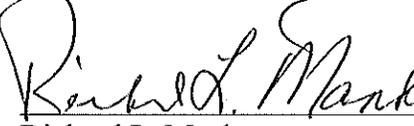

Genia C. Bruce

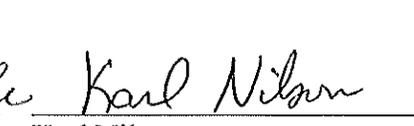

James Jeskewitz


Walter L. Kolb


Hank Carlson


Scott J. Klein

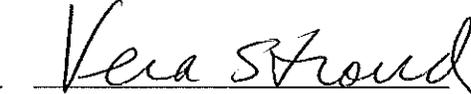

Richard L. Manke


Karl Nilson

Absent
Daniel Pavelko

absent
Duane E. Paulson

Absent
Rodell L. Singert

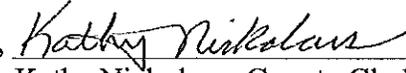

Vera Stroud

absent
Duane Stamsta


David W. Swan

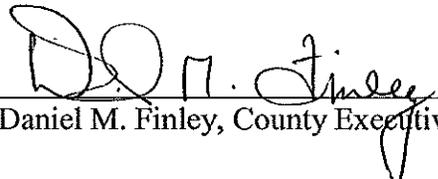

Matt Thomas

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 02-28-03, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ✓
Vetoed: _____

Date: 2-28-03, 
Daniel M. Finley, County Executive

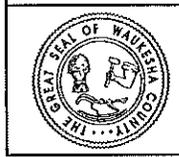
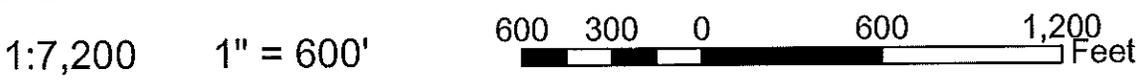
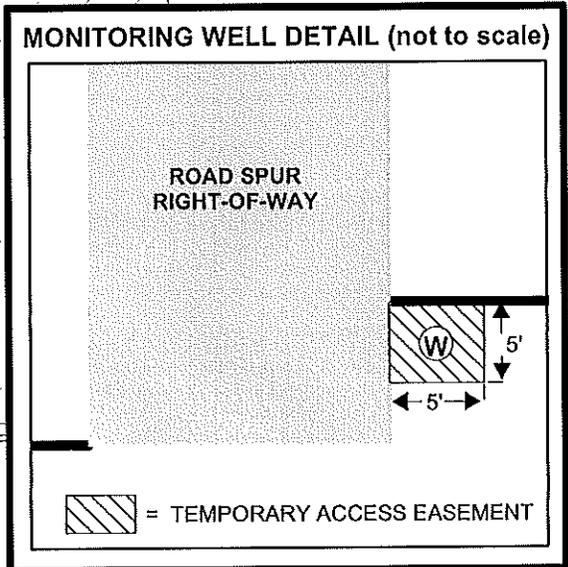
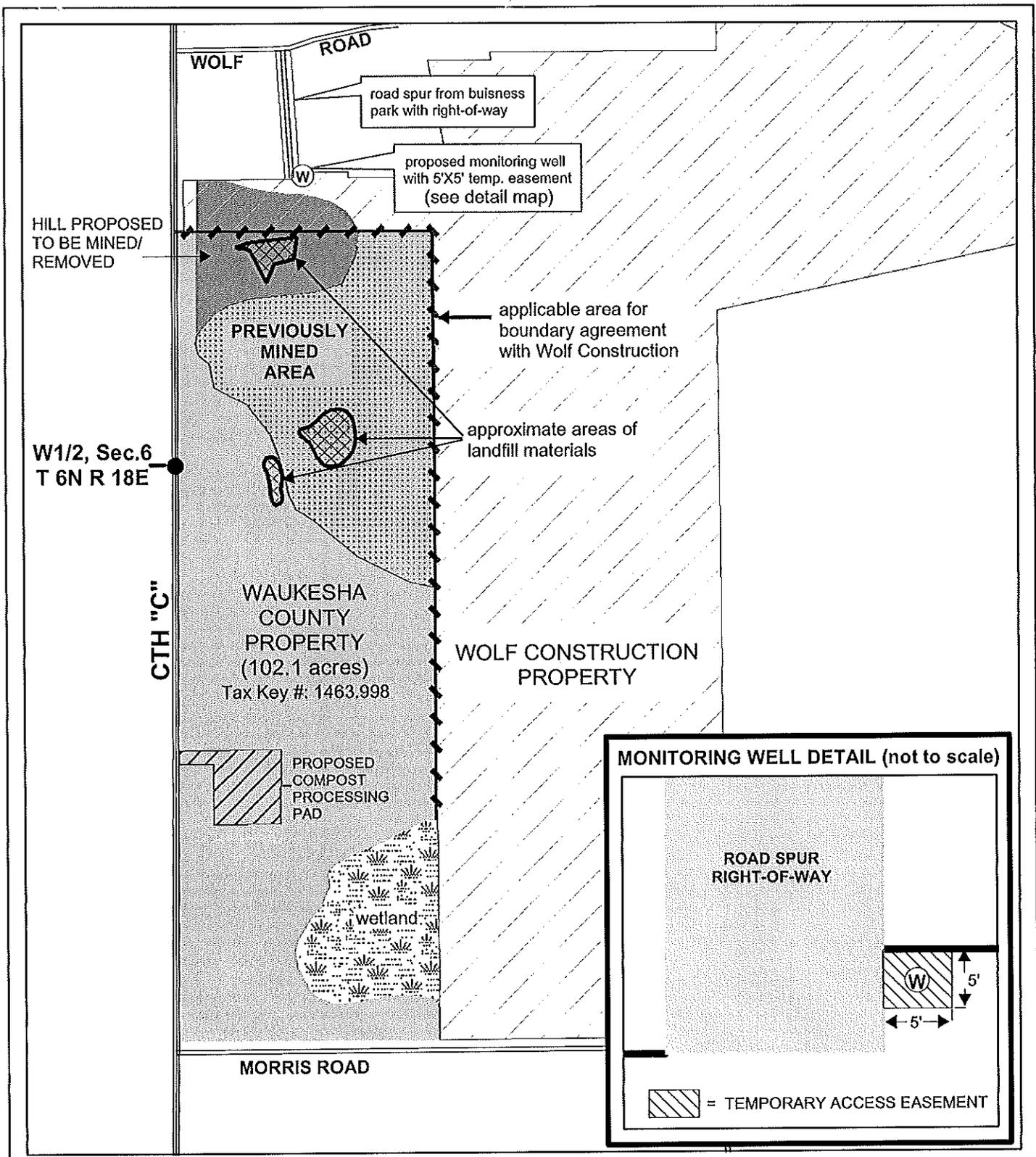
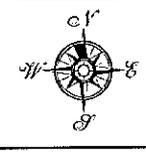


EXHIBIT "A"
WUKESHA COUNTY PROPERTY
W1/2, SECTION 6, T 6N R 18E
TOWN OF GENESEE

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WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/25/03

(RES) NUMBER-1570012

- 1 K. HERRO.....
- 3 D. STAMSTA.....
- 5 J. MARCHESE.....NAY
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 M. SONNENTAG.....
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....NAY
- 27 D. PAULSON.....
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....NAY
- 35 C. SEITZ.....NAY

- 2 R. THELEN.....NAY
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 D. FANFELLE.....NAY
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....NAY

TOTAL AYES-23

TOTAL NAYS-07

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-30